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PLACING THE FULCRUM: BALANCING PRESERVATION AND USE IN
CHADD'S FORD, PENNSYLVANIA.

James Thomas Parkinson, IV

A THESIS


in

Historic Preservation

Presented to the Faculties of the University of Pennsylvania in
Partial Fulfillment of the Requirements for the Degree of

MASTER OF SCIENCE

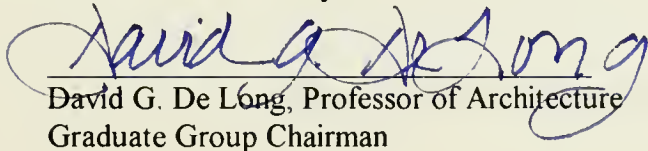
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Paul and Janet Haldeman, and Nancy and Jon Olson were very tolerant in the Spring of 1993 as their house and refrigerator were raided weekly by five hungry graduate students. Their introduction to the history and beauty of Chadds Ford will remain with me.

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Chapter I. Introduction

Historic preservation in its highest form must allow for continued productive use. As properties come to the point where their current use must be reassessed, it is the responsibility of professionals in the historic preservation field to seek out appropriate balances between the often competing interests of preserving the property and providing a continued productive use. In application of this thesis, this paper examines one search for this balance; to be addressed and illustrated through examination of the current circumstances and potential reuse of an historic property located in Chadds Ford, Pennsylvania.

For any given project, there are many parties with differing types of investments to consider when identifying available options and imposed constraints. In this paper, three parties are taken into account. The *a priori* requirements of each are examined in close detail, then the match is examined of these requirements to the practical framework of this specific project.

Before explicating each major constituent, a general review of the circumstances is given. This chapter is designed to equip the reader with the information necessary to examine the project in parallel with written analysis. Included in this chapter is a distilled history of the house and property, to be called the Haldeman House; review of the circumstances of ownership, sale, and qualifications of the sale; and discussion of the form of the project. Finally, in this chapter, details are given about the solution being pursued by the owners and hired professional consultants which seeks out this equilibrium of competing interests.

The first interest group reviewed in this paper is the house itself, the object of preservation. Using this artificial premise as a window, general principles and assumptions concerning historic preservation are discussed and related to the theme of preservation, use, and balance. In this chapter, the meaning and implications of the term *historic preservation* are examined, first in the abstract then as relates to this as a preservation project.

The second party to this project to be examined is the Township of Pennsbury, the pertinent local government. This chapter uses Pennsbury Township to review two aspects of the role of local government in historic preservation. First, and most interesting, is the role that local governments can have on the preservation of historic buildings through pursuit of public policies that place explicit value on historic buildings. Second, and quite importantly, is review of the series of steps required by the township for approval of the proposed project. Pennsbury Township serves to illustrate both aspects of local government involvement.

The final chapter is the briefest and most closely circumscribed. As will become apparent presently, reuse of the Haldeman House proposes that it contain a functioning business. This chapter examines the most rudimentary requirements for attracting investment capital to this project. In contrast to preceding chapters, a tight focus will be trained on the subject at hand.

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The intent of this paper is to place under close scrutiny the process of defining and executing a real estate transaction where the focus is on preserving and using an historic

building. While the writer claims no considerable knowledge of the real estate market, and this particular transaction cannot serve as a universally applicable template, there are certain considerations that transcend this specific case and locale. In examining the house (historic preservation), the township (public policy), and the proposed use (the market), it is intended that an understanding of these transcending considerations will ensue. By identifying these three perspectives, all of which are inherent components of the business of preserving and using historic properties, the writer hopes to cultivate an eye, or sense, of how to identify and approach similar concerns under different circumstances.

The project examined below has been guided by experienced and capable experts. To observe the internal decision-making process has been instructive and exciting, and, in all candor, and intended by-product of this investigation. This paper is intended to be a tool for instruction, a clarifying agent allowing the writer to break down the process, and, perhaps, glimpse at the art practiced by the players in the project. The artificial three-part investigation serves a structural purpose, permitting a formalized method of pursuing the monologue, and is not intended as a generic analytical technique.

This project serves as an example of determining and pursuing an appropriate middle ground - the best of historic preservation. Examining each party as a distinct constituent allows a sense of the complexity of interests to emerge. Yet defining the players and their interests is the work of students. Proposing and executing successful solutions is the craft of experts and artists. Historic preservation needs these experts and artists to provide and package feasible solutions to the challenges facing many historic properties. The project in question serves as one example from which we might learn how

to place the fulcrum, thus establishing appropriate balances between preservation and continued productive use.*

* A required footnote: This paper has been heavily reliant upon observation of the evolving process of constructing this project. If there has been only one lesson learned from this exercise, it is that the process is not speedy. As of the date of this submission, the approval process described in the body of this paper had not reached a definitive conclusion. There are words to this effect contained in this paper, but it should be known from the outset that this is, first and foremost, an academic exercise, intended to aid the writer in understanding the process of development, and lend the reader insight into an exceptional effort that (may have) successfully balanced historic preservation and continued productive use.

Chapter II. The Haldeman House: Defining the Circumstances

The chapter reviews both general and specific circumstances that make this case study an interesting and useful illustration of the preservation and continued productive use thesis. Four distinct sections comprise this review of the circumstances. First, the preconditions are outlined. In many historic preservation problems, much effort is expended to forestall the precipitating fact that is a given in this case. Second, the history and current conditions of the house are described; this is intended to substantiate the efforts toward preservation and deepen a sense of the texture of the problem. Third is review of the options available to the owners. This section outlines some typical development alternatives and preservation solutions. Finally, the proposed plan of reuse is outlined. This section details the plan, all required elements, and establishes the framework for the ensuing chapters.

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J. Paul and Janet Haldeman, owners of the Haldeman House since 1974, are going to sell their house. This simple statement places this problem at the mid-point of the continuum of efforts to 'save' historic buildings.¹ Both state and local governments and many non-profit organizations expend an enormous quantity of energy trying to postpone the sale; differential tax assessment programs, farmland preservation initiatives, and zoning revisions are all directed toward deferring the sale. This problem is beyond these efforts.

¹ This continuum starts with efforts to postpone the sale, and ends with immense private or public subsidy of properties that are not self-sustaining commercial enterprises.

The house will be sold. The Haldemans have had in their personal vision for more than a decade a plan to sell this house and move up the Brandywine River.² The family business across Route 1 that had sustained the Haldemans for a generation is no longer in operation. While this fact accelerated the timing of this move, it did not instigate what is the fundamental and precipitating fact: *the house will be sold*. All of the efforts that are now brought forward must acknowledge this fact, and any action must have this fact incorporated into its intent.

The question that this problem poses is this: How can this sale be structured in such a way to ensure the maximum return for the owner (the Haldemans have neither the desire nor the capacity to subsidize an unprofitable project), to work within the framework provided by the local government (R-2 zoning), and preserve the basic integrity of the building. To achieve the first two is often an extremely difficult task, adding a third requirement complicates the formula, and could jeopardize the potential satisfaction of the first two concerns. Before addressing the proposed solution to this problem, this next section will review the history and current conditions of the Haldeman House.

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The Haldeman House is a large, approximately twenty-room, private residence located along Route 1 in Chadd's Ford, Pennsylvania [please refer to *appendix A* for a more thorough and comprehensive review of the Haldeman House history]. Research into the history of the house and local area places the house on this site, in its original form, by 1749, possibly earlier. Research has established that the original portion of the house is

² Personal communication. Interview. J. Paul Haldeman. 3.11.94.

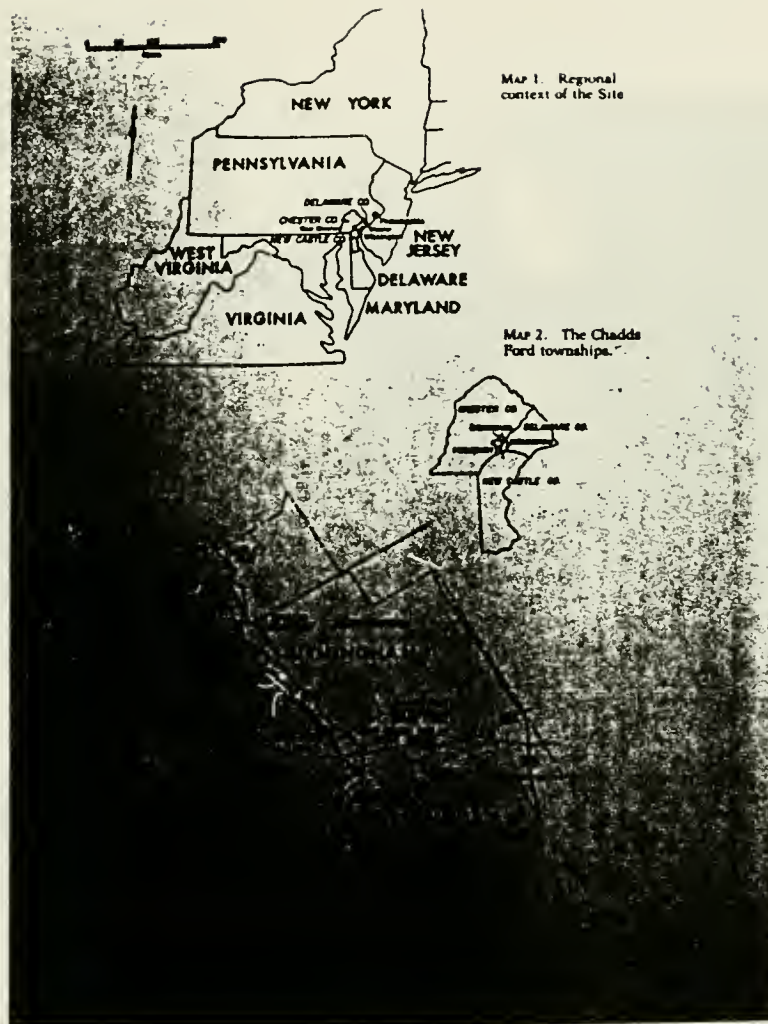


Figure 1. Orientation. Southeast Pennsylvania and Chadds Ford in larger context. Arrow highlights location of Haldeman House. [from: John D. Dorst, *The Written Suburb: An American Site, An Ethnographic Dilemma* (Philadelphia: University of Pennsylvania Press, 1989)]



Figure 2. Orientation. Haldeman House, south elevation [photo by author].

the stone section on the western-most end of the current structure (the left-hand side of *figure 2*). As the needs and capabilities of the owners evolved, addition and subtraction occurred over time; in all, there have been four significant building campaigns which have brought the edifice to its current appearance and configuration.

Placing the ‘as of’ date on the building is made possible by a will, dated October 27, 1749, in which the late owner of the house bequeathed to his wife the “new end of this my dwelling house.”³ A tantalizing bit of language, the ‘new end’ has not been interpreted as the brick section which abuts the original stone section, but as the stone core mentioned above (left end of *figure 2*). This is a conservative assertion, which makes construction date ‘as of’ 1749 a confident placement, and one which stands as the estimate.⁴

As mentioned above, the house stands immediately adjacent to Route 1. Meeting Route 1 at this location is Hickory Hill Road, which extended through to Parkersville, under the name Parkersville Road, until closing in 1935.⁵ The road bed is readily legible in the landscape at the western end of the property (see *figure 3*), and has not outlived its usefulness, as will become apparent. Route 1 served as a primary thoroughfare from Philadelphia to Baltimore until the construction of Interstate 95. Today Route 1 serves as

³ Brooke D. Wortham, Stacy E. Spies, Robert E. Saarnio, James T. Parkinson, and Julia E. Coombs. *The Haldeman House: An Historic Structures Report Developed for Paul and Janet Haldeman, Nancy and Jon Olson*. Spring, 1993, p.3. Mss. [John Hope, *Last Will and Testament*, October 27, 1749, File #1284, Chester County Archives and Record Services]

⁴ Another research team described “...the current intersection of Hickory Hill Road and Route 1 as, ‘The White Barn complex of 1730’s stone houses and barn.’” [*Haldeman House HSR*, p.4, citing Nancy V. Webster, *1777 Battle of Brandywine Driving Tour* (Brandywine Battlefield Park Association, 1986)]. Saarnio and Spies note that Webster’s dating comes without documentation or further elaboration, further establishing the 1749 date as an appropriate, if conservative, estimate.

⁵ *Haldeman House HSR*, p.11.

an alternate to Interstate I-95 for those traveling between Philadelphia and Baltimore, and serves to collect truck traffic from southeastern Pennsylvania on its way south. It is a busy, fast, and harrowing road.

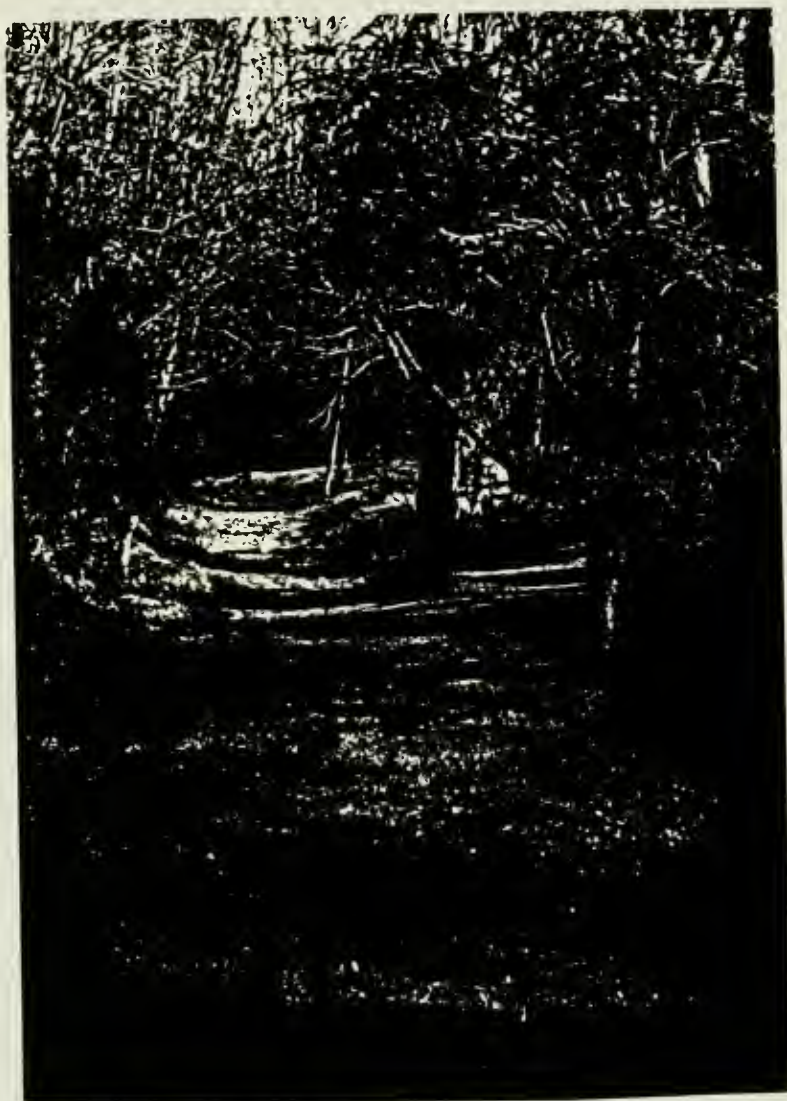


Figure 3. Bed of the former Parkersville Road at western end of Haldeman House property

The bed of the road has been raised five times, and the road widened. *Figure 4* depicts Route 1 in 1881 at a human scale, a pedestrian strolling down the road, where the



Figure 4. 1881 woodcut of intersection at Route 1 and Hickory Hill road [from: J. Smith Futhey and Gilbert Cope, *History of Chester County* (Philadelphia: L.H. Everts, 1881)].



Figure 5. Photo of current conditions at intersection of Route 1 and Hickory Hill Road. Taken at approximate location of pedestrian in *figure 4* [photo by author].

house and road meet at the same grade. In contrast, *figure 5* portrays the house screened from the road, and all but dwarfed by this series of raisings. The complex of outbuildings seen in the 1881 illustration has been paved through, cutting the house off from the barn.

An interesting, and serendipitously fortuitous, chapter in the history of this building relates to its use from c.1822 to c.1873. During this time, the Lancaster family operated, from this house, a tavern and inn. In 1826, after at least two unsuccessful applications, Joseph Lancaster was granted a license to operate a tavern under the name Pennsbury Inn.⁶ Literature relating to this reveals that the house, being centrally located, was "...the place from where Township Elections have long if not always been held..."⁷ Information related to the establishment has also been found under the name Lancaster Inn.

There are two episodes that bring this building into close proximity with figures of national prominence. The first occurred immediately prior to the Battle of Brandywine in September of 1777. On this day, American troops led by General George Washington used what is now the Haldeman House as cover to stage an ambush of advancing British and Hessian troops.⁸ The second encounter was a period during which Daniel Webster is reputed to have spent eight weeks in recuperation from a carriage accident.⁹ This information has not been confirmed, and is anecdotal in nature.

Research was not concentrated on the period between Joseph Lancaster's death in 1883 and purchase by the father of J. Paul Haldeman, John H. Haldeman, but it is known

⁶ *Haldeman House HSR*, p.6.

⁷ *Haldeman House HSR*, p.6.

⁸ *Haldeman House HSR*, p.4.

⁹ Apparently the dangerous nature of Route 1 has roots in history.

that the house lay dormant for a period of time, and that the Haldemans rehabilitated the house upon moving in 1951. The house is currently home to the Haldemans, J. Paul and Janet, and the Olsons, Nancy and John, and is in good working condition.

This section has been included to convey a basic sense of the history of the house. Equipped with this understanding, appreciation of efforts toward the historic preservation of the house and property can be placed in their proper context.

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The next portion of circumstantial information necessary to understand this project is the range of options currently available to the Haldemans. Defined below are numerous potential reuse strategies. Before examining each in detail, the framework of permissible uses defined by the township must be outlined.

Pennsbury Township has established the area in which the Haldeman House sits as a residential R-2 district. The associated area and bulk regulations permit one residential lot for every two acres of land 200' in width. The maximum size of a building on this lot is 35' in height, and a lot coverage of 15% (which allows a building footprint of 13,068 square feet).¹⁰ [See *appendix B for Article V.: Residential District (R-2).*] As the Haldemans' property totals eight acres, their land holding permits four residential units. The Haldeman House is currently excepted from the ordinance, and is permitted to house two families under the same roof. Thus, there exist two building lots that are saleable as freestanding. In fact, the Haldemans have final approval from the township for the sale of these lots, and they were on the market for a brief period of time.¹¹

¹⁰ *Pennsbury Township Zoning Map* (West Chester: Chester County Planning Commission, 1989).

¹¹ Personal Communication. Interview. J. Paul Haldeman. 3.11.94.

Further permitted by the township is reuse of the house and bed and breakfast lodging. Under §1911 of the Pennsbury Zoning Ordinance, a Qualified Historic Building meeting numerous standards may be reused as bed and breakfast lodging for eight total units.¹² [See *appendix C* for the full text of §1911: *Adaptive Reuse of Historic Buildings: Bed and Breakfast.*]

Within the above conditions established by the township, there are many possible outcomes of development. First, the Haldemans could attempt to locate a buyer for the house, while placing on the market the two rear lots, either as part of the house, or separately. Under this arrangement, the house would be sold as a residence to someone interested in living in a large, old house close to Route 1. This is not all that unlikely a scenario; a nearby house of similar size, bizarre configuration, and proximity to Route 1 recently sold after a very brief period of time on the market.¹³ This buyer could also purchase the rear lots to retain the open space or sell the rear lots under controlled circumstances.

Other possibilities are that the Haldeman House property could be bought as a piece, the house razed then replaced with two separate buildings. While unlikely, it is a possible outcome; the only protection currently on the house is listing on the National Register of Historic Places, and note on the Chester County Historic Sites Survey.

The Haldemans could retain the house while selling the rear lots to cover some costs in the short term. This reflects a typically pursued strategy of deferring the sale by piecing off the surrounding acreage, and is not an appropriate or desirable solution in this

¹² *Pennsbury Township Zoning Ordinance of 1982.*

¹³ Personal Communication. Interview. J. Paul Haldeman. 3.11.94.

instance. First, as previously stated, the sale is the fundamental, non-negotiable fact. And second, the house will have to be sold off at some point, and its value will likely be diminished by the encroaching rear lots; the Haldemans will again be presented with the same scenario, minus the flexibility that two open lots offer.

Another frequently used alternative for old and historic houses is reuse as an historic house museum. This option allows both the continued preservation of the house, and a degree of public interpretation previously unavailable. Unfortunately, there are a number of factors making this option infeasible, the most important being the return required of the sale. Few historical societies are in the position to purchase their properties, even at a discounted rate. Ones that do buy their properties have cultivated an active and generous constituency for specific houses over time. The logical organization to take title to and manage this property is the Chadds Ford Historical Society, which already maintains two high profile properties. Complicating this alternative are site related issues of automobile access and compliance with the Americans with Disabilities Act. Both would require significant capital improvement, and the coincident significant capital expenditure. Finally, although this house is quite old and represents a wide range of building and stylistic trends, it is not a highly significant building, undermining justification for such extraordinary means. Thus, a common preservation strategy, reuse as an historic house museum, is not feasible in this scenario for the following reasons: poor return for Haldemans, no active constituent base, necessity for large capital expenditure, and lack of outstanding significance.

Commonly considered as a preservation strategy is the donation of easements on the property either as a condition of sale or before the sale. To donate façade and/or conservation easements would ensure that the physical condition of the house and land were defined and stabilized, and well administered over time. While this is appropriate for many properties, it is not a good solution in this case. The Haldeman House is close to the road, bizarre in its plan, and immense. The market for residential use is sufficiently limited by these factors; to too closely define the future potential of the house would be to limit the options available to future owners, and to limit potential return for the Haldemans. Some properties and their owners can sustain highly restrictive easement governance; the Haldeman House property cannot.

There are other options commonly explored for the reuse of historic buildings; all are ruled out as unfeasible: use as a school building (a non-profit could not afford the rehabilitation, access off of Route 1 is difficult, and a zoning problem); use as a low-impact commercial enterprise, such as an antique store (zoning and access); and professional office space (zoning and access).

Where the preceding possibilities have concentrated on what might work, but is marginal, or what will not work at all, the following pages describe the current plan under consideration. This is the core of this paper, and is of great interest to the writer; it exemplifies the search for a balance of market forces, public policy initiative, and historic preservation.

The form of the project that is currently being pursued is as follows. The entirety of the Haldeman House property is to be dedicated to the operation of a bed and breakfast business. All of the extant structures will remain standing, except the pool house, and each will be stabilized, rehabilitated, and maintained to a level appropriate to a functioning lodging establishment. This aspect of the project could be commenced within a very short period of time; as mentioned above, there is a provision in the Pennsbury Township Zoning Ordinance for bed and breakfast lodging. The Haldeman House appears to fit all criteria outlined in this ordinance.

Using this pre-established right to operate a bed and breakfast as a foundation, the Haldemans envision a larger and more economically sound business proposition. They would like to have eight units in addition to the eight that are currently allowed. In order to gain these extra lodging units, they propose a trade with the township. The Haldemans propose that each residential lot permitted under the zoning ordinance be allowed to represent an additional four lodging units. In exchange for donating an easement on a single residential lot, thereby restricting the potential for construction on that lot, the bed and breakfast would be granted an extra four units. Easing both rear lots would allow the bed and breakfast an extra eight units, representing the maximum capacity for a bed and breakfast under this proposal. There are numerous considerations involved here. Each will be taken in turn after the following brief sketch of the professional assistance enlisted for this project.

Andrew L. Johnson, president of the Chadds Ford based firm, Conservation Advisors, has known the Haldeman family for more than twenty years. Their acquaintance

through a mutual church affiliation has grown to friendship independent of formality. Andrew Johnson's professional expertise relates to land and land conservation. He was the founding director of the Brandywine Conservancy, and served for many years as director of the Natural Lands Trust; his experience runs to the founding of land conservation initiatives in the Brandywine Valley. In this project as in many others, his vision offers a vital mix of respect for the land and understanding of the economic needs of landowners. He is often able to assume control of a project which has been approved for large-scale development, and rework the components to minimize the impact on the land while ensuring equal or superior dollar return for the property owner.

Also involved are John Milner, a partner of John Milner Architects, Inc., and John C. Taggart, Jr., of Intermarketing Real Estate Services, Inc., both also of Chadds Ford. John Milner's expertise as a preservation architect has allowed the Haldemans to work with assurance that the history and physical integrity of the Haldeman House will be understood and respected. John Taggart's experience with development projects and understanding of the marketplace will ensure that the final product is expertly packaged and professionally marketed. In combination, but primarily managed by Andrew Johnson, this team of experts has crafted a development project that will meet the goal of reasonable return on equity, and reuse of the Haldeman House in a manner consistent with the house, its history, and the land, while not upsetting the planned balance of development currently enjoyed in Chadds Ford.

In order for the Haldeman House project to be seen to completion as envisioned, there are many required intermediate steps. The above outlined plan, trading residential

lots for lodging units, will require an amendment to the Pennsbury Township Zoning Ordinance. Andrew Johnson has had an ordinance drafted that would allow this trade. The proposed amendment, enclosed as *appendix D*, grants that: "...additional guest rooms may be permitted under the following circumstances:"

- (a.) The property for the proposed bed and breakfast contains in excess of four (4) acres, and there are existing, unused, approved, subdivided lots on the premises, or the zoning regulations in effect at the time of the application for the special exception permit the creation of additional dwelling units upon the property...
- (b.) The applicant shall submit a deed restriction or conservation easement satisfactory in form and substance to the Township Solicitor. Such restriction or easement shall prohibit the creation of any additional dwelling unit on existing or potential building lots as noted in subsection (a) above. The applicant shall be permitted four (4) additional guest units for the Bed and Breakfast Facility for each dwelling unit/lot that is placed under conservation easement or deed restriction. Said deed restriction/conservation easement shall restrict the creation of such additional dwelling units/lots for so long as the additional guest rooms are in existence and operating as part of the bed and breakfast facility.
- (c.) No more than 16 guest rooms shall be permitted on any property.
- (d.) The provisions hereof, allowing guest rooms in addition to eight (8) shall be applicable only if the Qualified Historic Building shall have vehicular access by driveway directly onto a Principal Arterial or Minor Arterial Highway.¹⁴

In pursuit of this change to the zoning ordinance, the project team presented this proposal to the Pennsbury Township Board of Supervisors on March 21st of this year.¹⁵ A formal presentation of the above outlined plan for a bed and breakfast, with an additional eight units, was presented. The following week, the same presentation was

¹⁴ Amendment to Pennsbury Township Zoning Ordinance, as proposed on 3.21.94. Please note, again, that the approval process for this amendment has not, as of this submission date, been completed.

¹⁵ Assembled on the 21st of March were J. Paul Haldeman, Andrew Johnson, John Milner, and this writer.

given to the Pennsbury Township Planning Commission. Both entities appeared receptive and responsive to the needs of the Haldemans in this case. Amendments to the zoning code must be made by the Board of Supervisors after referral to the Pennsbury Township Planning Commission, and the Chester County Planning Commission; their comment concerning the consistency of this amendment with the planning goals of the Township and County is then returned to the Board.¹⁶

While this action is currently pending, there is well-founded optimism that this measure will pass. The concern most commonly voiced is the degree to which the form of the project might change after approved by the Zoning Hearing Board. All of Pennsbury Township's leadership appeared in approval of the plan as presented, but members and neighbors were concerned that the final outcome of the project might not be as presented. This can be addressed by closely specifying the details of the project at the time it comes before the Zoning Hearing Board. Once approved by this body, any substantial changes must be re-approved.

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This chapter has been included with the intent of allowing the reader to analyze the following chapters in parallel with the analysis given by the writer. The circumstances of this project are not at all unusual; all property, historic or not, comes into the market at one time or another. The fundamental premise of this project has been the fact that the property will be sold; the challenge has been to identify the range of available options, determine which is the most desirable, and balance that with what is most feasible.

¹⁶ Pennsbury Township Zoning Ordinance of 1982. p.224.

Andrew Johnson states: “I let the land tell me what’s important, let the marketers tell me what will sell, then retrofit the two.”¹⁷ This project reflects this approach.

The next three chapters will examine three parties to this project beyond the owners.

¹⁷ Personal Communication. Interview. Andrew Johnson. 1.25.94.

Chapter III. Historic Preservation and the Haldeman House

Opening this paper is this statement: “historic preservation, in its highest form, must allow for continued productive use.” This position is explored and argued in this chapter. In pursuit of this thesis, the terms ‘historic’ and ‘preservation’ must be separated and examined as freestanding concepts. Understanding what the words mean, separately and in combination, allows discussion of the applicability to this case to take a more informed tone. With this idealized concept of historic preservation understood, the Haldeman House project will be examined in light of this definition.

The Term ‘Historic Preservation’ Examined

The term historic preservation means many things to many people. To some, it implies meticulous documentation and restoration of buildings of extraordinary historical association. For others, it relates to the conservation of materials that have deteriorated over time. To still others, historic preservation is a guidepost for measuring the physical development of their community.

As posited in the opening sentences, this paper argues that continued productive use is the highest form of historic preservation. What do the words *historic* and *preservation* mean when separated? And what does *historic preservation* mean as a single phenomenon? This section addresses these questions, briefly delimiting the freestanding terminology, then allowing the Haldeman House case to illustrate these definitions more fully.

Often asked questions of those involved in historic preservation run something like this: What makes a building historic? Is the fact of brief association with a single famous individual sufficient to qualify a building as historic? Every building has a history; at what point does this history pass through the threshold into 'significance?' What are the criteria for this significance, and who defines these criteria? What happens once significance has been determined? Does this allow one person benefits or impose upon one person restrictions that are unfair?

These are all valid questions. The underlying concerns of the above stem from an ill-defined concept of, or outright discomfort with, the word 'historic' in historic preservation. The federal government, through the Secretary of the Interior's Standards, defines historic significance as follows:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.¹⁸

¹⁸ *Guidelines for Completing National Register of Historic Places Forms. National Register Bulletin 16.* National Register Branch; Interagency Resources Division; National Park Service; U.S. Department of the Interior. Washington D.C.: U.S. Government Printing Office, 1991. p. 37.

Using these criteria, two thirds of the structures standing in the United States might qualify as significant.

Defining *historic*, the *New Shorter Oxford English Dictionary* gives: “Of great historical importance or fame; having a significance due to connection with historical events.” Further, in defining *historical*, the *SOED* gives: “Relating to or concerned with (events of) history...(Of the study of a subject) based on history or an analysis of development in course of time; in connection with history, from the historian’s point of view; belonging to the past, not to the present.”¹⁹ These definitions allow a broader interpretation of historic preservation - defined less precisely than by the Secretary’s Standards.

One definition in particular furthers the argument proposed in this paper. The words “...based on history or an analysis of development in course of time...” stand as the most appropriate starting point for defining historic preservation for the purposes of this paper, and the analysis contained herein. This phrase, with its implication of history as a basis for further evolution, serves this thesis well; continued productive use guided by ‘an analysis of development in course of time’ is the best possible outcome for historic preservation measures.

Addition of the word ‘preservation’ brings a curatorial connotation to the term historic preservation. *Preserve* is defined thus: “Keep safe from harm, injury; take care of,

¹⁹ *The New Shorter Oxford English Dictionary on Historical Principles*; Lesley Brown, ed.; Oxford: Clarendon Press, 1993. v. 1, p.1239

protect...keep in existence, keep free from decay; maintain.”²⁰ *Preservation* is defined: “The action of preserving or protecting something.”²¹ Further, the terms *preservation order* (“...a legal obligation laid on an owner to preserve a building of historic interest or value.”), and *preservationist* (“...a person who advocates preservation, esp. of historic buildings or antiquities.”) are included under the definition of *preservation*.

Thus, in strictly deriving from the above the most appropriate definition, historic preservation becomes: *The act of preserving or protecting something based upon history or an analysis of development in course of time.* This is unsatisfactory. Is this preservation because of history? If so, we regress to the problem of defining significance; preservation because of history must have firmly delimited bases of significance. Or is this using history as a guide (based on its history) for how to structure protection into the future? Rather than carving some ‘significant’ properties out of the development cycle, this definition allows development that is appropriate to the history of the property.

While the ultimate difference between the above two may be slight, the focal distinction is vital. Where the first definition seeks to halt, barricade, and impair, the second seeks to encourage, inform, and, where necessary, mitigate. The first focus is a negative and, in many ways, pessimistic, perspective. It seems to hold that new is, by definition, suspect and not as good as what has come before.

The second position is, at base, forward-looking and optimistic. This same dichotomy can be interpreted in definitions of historic preservation put forth by scholars in the field. James Marston Fitch terms historic preservation, “curatorial management of the

²⁰ Ibid. v.2, p.2342.

²¹ Ibid. v.2, p.2341.

built world.”²² This seems to conform to the first definition above in which preservation because of history is an impeding element, and does not contain the element of progressiveness that this writer seeks in historic preservation.²³ Another definition comes from David G. De Long, who terms historic preservation, “change responsive to the historic environment.”²⁴ This definition allows for a wide variety of levels of change, implying that this change must be in relation to its environment, a more progressive and optimistic basis for defining historic preservation.²⁵

It is possible that the term itself, *historic preservation*, is not appropriate to the argument of continued productive use. But, rather than start anew, it would be more fruitful to adopt a definition of historic preservation that acknowledges and celebrates the future, using history as a guide, rather than an impediment. To this end, *change responsive to the historic environment* serves quite well. For the purposes of this paper, an addendum sharpens the focus on the future use of historic properties: *in its highest form, historic preservation must allow for continued productive use.*

²² James Marston Fitch, *Historic Preservation: Curatorial Management of the Built World*, (Charlottesville: University of Virginia Press, 1990).

²³ *Curatorial* suggests a close management and preservation of objects, as in an exhibit (SOED, p. 572). From the Latin *cura*, care, this has medical, religious, and preservative connotations, none of which are sufficiently forward-looking to be appropriate.

²⁴ Lecture. University of Pennsylvania. 9.15.92.

²⁵ Another definition comes from David L. Ames, Professor of Urban Affairs and Public Policy and Geography, and Director of the Center for Historic Architecture and Engineering, University of Delaware. He offers: “...historic preservation is concerned with intervening in the built environment to protect historic resources.” [CRM. National Park Service Cultural Resources. Volume 17, number 2, 1994. p.36.] This gives a pragmatic root, but does not close the definition in a satisfactory manner.



Figure 6 Haldeman House. South elevation [photo by author].



Figure 7 Haldeman House. North elevation [photo by author].

Historic Preservation and the Haldeman House

The above definition of historic preservation must now be applied to the Haldeman House project. This section proposes that the Haldeman House project exemplifies the best of historic preservation - allowing history to serve as guide while the house continues to be put to productive use.

In chapter I, it was noted that the house has evolved over almost 250 years, and that it is now quite large. The different construction episodes reflect stylistic and technological changes that are readily legible from the exterior. This history of accrual presents a rich texture, varied in material, use and age. *Figures 6 and 7* below reflect this variegated texture from the front (south) and rear (north) elevations.

The Haldeman House has had at least four different additions since the core construction in the mid-18th century, the latest being a 1969 addition on the easternmost end. This building has been an inn, a tavern, a single family home, dual family home, and has stood derelict; it speaks of its own history, and that of the surrounding Chadd's Ford area. This history is a range of periods and functions - no single one being particularly outstanding.²⁶ So, with this diversity of use, construction, and age, what standards can be applied to guide the 'historic preservation' of this house as it is being considered for adaptive reuse generally, and in this particular instance?

²⁶ An argument could be made that holds the period of service as an inn to be the most significant. This was the defined period of significance for nomination to the National Register of Historic Places, and is likely the most important period, especially in light of the proposed use. The above comment refers, primarily, to the physical conditions of the building; no single building episode stands out over the others.

There are some simple and fundamental standards which can be attributed to an historic preservation mind-set. The house must be considered a resource beyond the simple dollar value potential that it shows on a balance sheet or appraiser's report. While an imperative component of any equation involving real estate, raw dollar value is only a starting point; the preservation ideology looks beyond this, seeking to act as a counter-balancing consideration that advocates incorporation of the history and fabric of the house. The two may not always be in congruence; there will be times (unfortunately, many times) when interpretation of the building's history will lead one way, and the realities of the market will lead another.²⁷ This paper examines one instance where the two are in a happy synchronicity.

There is a point at which the house can be 'violated.' That is, it is possible to so alter the building that its essence has been extinguished.²⁸ This line of reasoning borders on treating buildings as organic counterparts, and should not be extended too far, yet can help to establish a foundation of propriety serving as a guide. In its current form, this project does not threaten the intrinsic nature of the Haldeman House. There will be some changes to the current system of construction, shoring up a subsiding corner, and one or two new openings for circulation, but no major revisions of the extant building.

While the basic nature of the Haldeman House is in no danger of being altered, it is possible to conceive a scenario in which its essence would be extinguished. In its current

²⁷ Andrew Johnson states: "I let the land tell me what's important, and the marketers tell me what will sell, and I retrofit the two." This is the balance, the practical reality, that is the theme of this paper. [Personal communication. Interview. 1.25.94.]

²⁸ The development of this concept and the following words must be credited to lectures given by Jean Marie Teutonico to the historic preservation studio at the Graduate School of Fine Arts. 10.8.93.

configuration, the Haldeman House is a conglomeration of differing structural systems, one abutting the next. Were a campaign to alter the building to unify the structural systems, or wholly modify the structure of one component, then the essence of that building would be changed from the original. There seems to be no danger of this happening.

The current plan for the reuse of the Haldeman House (*figure 8*, next page) as a bed and breakfast uses the existing floor plan of the house, building upon the distinctive features of the house. As review of the above drawing reveals, the structural components of the house are to remain intact, and be strengthened in places where previous interventions have undermined them. The plan calls for all old fireplaces to be reused, and the central focus of the house upon the large room at center to be reestablished. Further, as part of the reuse, the exterior of the Haldeman House will be restored to an appearance which more closely represents the original construction.

In the ideal, the Haldemans would continue to live in the house, treating it as they always have. To do this would be to ensure that the intact continuity of use was undisturbed. But they will have to leave at some point, whether now by choice, or later under less voluntary circumstances. As made clear in the first chapter, this sale is the founding circumstance of this project.

The concern of historic preservation as an abstraction is to ensure that the change to the house is as appropriate to the above-mentioned history of continuity of use as is practicable. Chapter I reviewed some of the possible uses under the current circumstances, and concluded that continued use in the manner of the Haldemans, as a

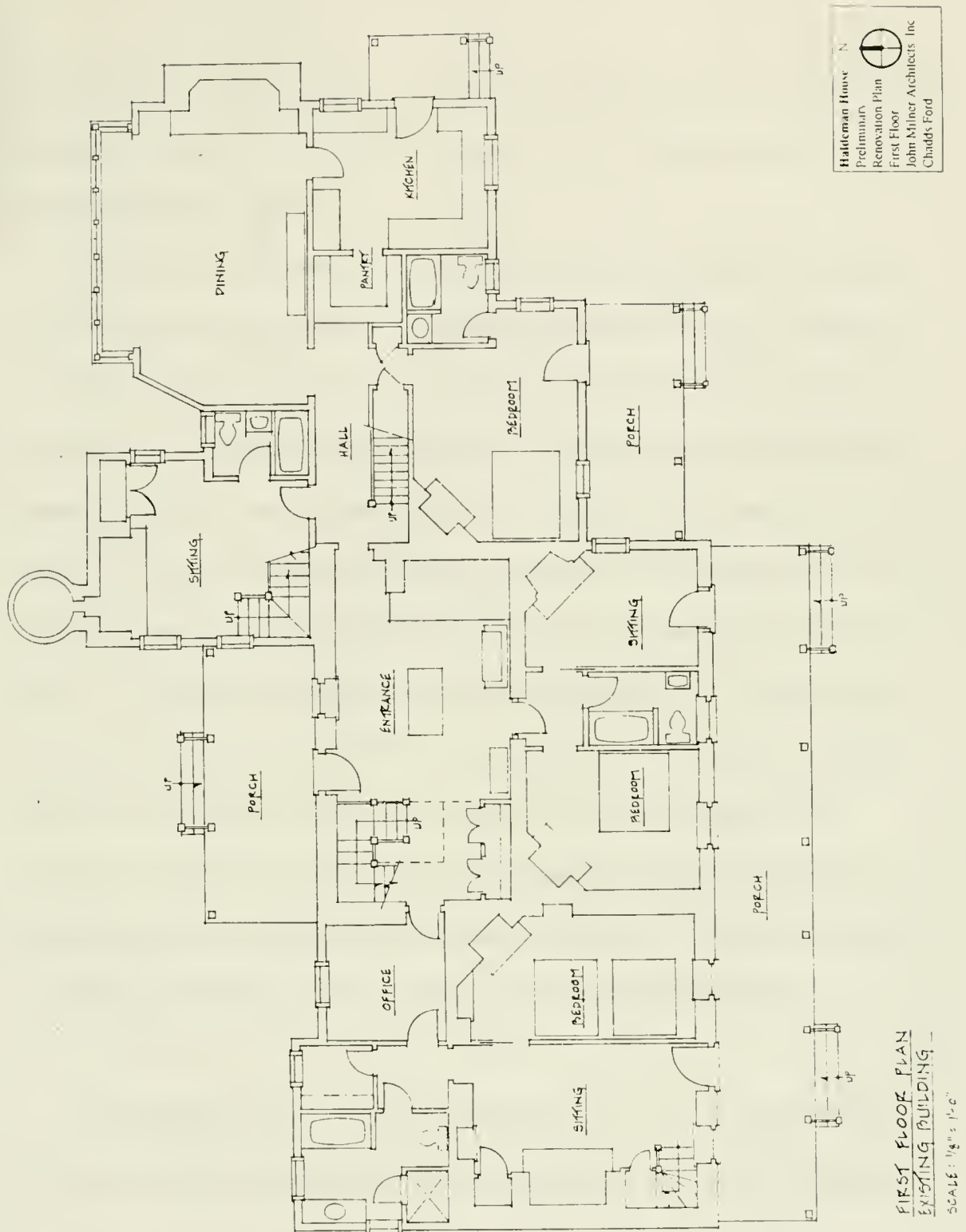


Figure 8. Preliminary plan of the Haldeman House bed and breakfast, first floor.

family home, is an unlikely outcome. Therefore, the challenge was to reach a solution that addressed the needs of the owners, while acting in the best interests of the house and 'historic preservation' generally.

Use as a bed and breakfast fits all of the criteria for an appropriate use in keeping with the extant condition of the house, and particularly, the history of use. The planned reuse does not call for any major structural revisions, and alterations will be completed in a manner congruent with the extant building. In fact, the proposed use goes beyond the baseline of appropriate use to a level of restoration that could not be expected of many projects. The use of this house as an inn from the early to late 19th century allows the bed and breakfast project to restore not only the appearance and architectural integrity of the house,²⁹ but the use of the house for a major period of its existence. It could be argued that this type of use is as good a preservation strategy as use for a residence; it is, quite literally, a re-use, a reapplication of a pre-existing use. With the exception of the necessary interventions for services and code requirements, the subtractive impact to the house will be minimal, while the restorative impact will be great. The business of the bed and breakfast will be enhanced by a well restored and well maintained building.

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Historic preservation is a nebulous and evolving term, and can, under different circumstances, have widely differing meanings and outcomes. As defined in this paper, the

²⁹ To use the house as it stands is the meaning of architectural integrity. Reopening and using fireplaces that have been closed for many years is a reintegration of the house to the use, and is, philosophically, a more harmonic use.

outcome of historic preservation efforts must have a component of continued productive use. This, too, is open for interpretation. Use as an historic house museum, for example, is a valid and productive use. However, if circumstances are such that the addition of another house museum will not result in continued productive use, it is not an appropriate alternative for the preservation of a building. The well worn accusation of ‘pickling’ buildings by preserving them can be a substantial and damaging one. Historic preservation as an approach to land use and community growth must always keep an eye on the continued productive use of the building, or neighborhood, in question, and be capable of creative and innovative solutions. Further, there will be instances when the market and the building simply cannot meet to sustain a continued productive use. Under these circumstances, a level of effort, in the form of monetary subsidy, is often used. While this is an appropriate solution for buildings of such monumental importance to a community that the whole would be diminished by its loss, this level of effort in the name of preservation is difficult to muster.

It has been the intent of this section to examine the founding of the term historic preservation, as well as offer some fundamental keys to the preservation ideology. In examining the definition, the Haldeman House takes on a highly instructive role. The proposed reuse of the Haldeman House fits all points of the defined ‘good preservation;’ it provides for the preservation of the house, it opens it up to persons other than the Haldemans and Olsons, it has the potential to preserve the remaining portion of the lot, and it uses the house in congruence with its constructed purpose.

Chapter IV. Public Policy and Pennsbury Township

This chapter aims to identify the portions of the local unit of government that bear on this project. The development postures of different townships across Pennsylvania vary in accordance with the needs and wishes of the local citizens. Enacting public policies aimed toward an identified goal, be it industrial development, transit service, or historic preservation, must be legitimized and codified by and through the local unit of government. Pennsbury Township leadership has read the wishes of local residents, and pursued policy that encourages the preservation of open space and historic buildings. On the following pages, the roots of local land use control are examined, with some parameters defined, and the place of Pennsbury Township's policies regarding historic preservation generally, and the Haldeman House project specifically, are reviewed.

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The use and development of land in this country is subject to certain requirements fundamental to rudimentary health and order. Operation of a large-scale feedlot, meatpacking facility, or chemical manufacturing plant will have numerous noxious externalities that must be accounted for when locating such a facility.³⁰ The regulation of uses exhibiting such externalities is a fundamental responsibility of government as there is little to no provision in the free market for this regulation.³¹ However, land use laws have extended far beyond protection against obviously noxious side-effects of production to

³⁰ This paper is not a general study of land use regulation and therefore does not address the complications involved with regulations imposed upon existing uses. This simplified review is provided as groundwork for the following discussion of government in historic preservation generally, and Pennsbury Township in specific.

³¹ See *Village of Euclid v. Ambler Realty Co.* 272 U.S. 365 (1926) for the seminal land use control case.

regulation of such aspects of development as height, setback, density, or construction materials. Beyond the baseline of control, there are many ways in which local governments have tailored their land use laws to reflect the values and needs of the local community.

The legislature of the Commonwealth of Pennsylvania has enabled "...cities, boroughs, incorporated towns and townships..."³² to "...enact, amend and repeal zoning ordinances [and] to implement comprehensive plans..."³³ for purposes cited as:

- (1) To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, civil defense, disaster evacuation, airports, and national defense facilities, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements, as well as
- (2) To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. Zoning ordinances shall be made in accordance with an overall program, and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.³⁴

The General Municipal Law has attached to the above statement of purpose many pages of notes and qualifications concerning the application of zoning codes to specific situations, some of which are relevant and will be mentioned later.

This delegation of power over land use control decisions from the state level down to the local level (in Pennsylvania, to the municipal level: township, borough, city, etc.) is

³² Pennsylvania General Municipal Law 53 § 10602, p.349.

³³ Pennsylvania General Municipal Law 53 § 10601, p.344.

³⁴ Pennsylvania General Municipal Law 53 § 10604, p.370.

the way that most states in the country have managed their land use control decision making processes. Although states south of Pennsylvania and west of Ohio use the county as their local unit, all states have, at one time or another, delegated this responsibility to a subordinate unit of representation within their state.³⁵

In doing this, decisions concerning local land are made at the local level. This is a commonsensical construction that has roots in pre-Revolutionary forms of government;³⁶ representatives of the local population, very responsive to constituent concerns, serve to decide on matters of land use. In listening to their electorate, knowing the appropriate regulations, and balancing the two, local representatives reflect the wishes and needs of their local constituency. Municipalities, using the Pennsylvania model, that are under heavy pressure to grow have a number of choices before them. The local government can encourage this growth with a policy of granting zoning variances and non-adherence to the previous planning documents. A local government can accept this growth, but enact ordinances that mold this change to the particularities of their township. Or, a local government can try to deny this growth, passing strict ordinances that amount to no-growth laws. Each of the above is done. In some instances, the actions have been deemed illegal or unconstitutional, but there are mechanisms for rolling over the local

³⁵ The advent of state-wide planning and growth management laws has served to recapture some of this decision making, bringing some substantive decisions to the state level. Not only does Pennsylvania not have a state-wide growth management plan, but there are no provisions for state-wide comprehensive planning. Even regional planning efforts are thwarted by the power that the township holds over land use.

³⁶ Colonial governors had no interest in making such minuscule decisions as those before the local tribunes. Similarly, state governments are not in a position to field the questions that come before local governments regularly.

planning commission as well as halting all growth in the township.³⁷ The way in which Pennsbury Township has structured its land use regulations, and the biases that reside in its government will be examined in this section.

There are three important points that need to be made before applying this to the Haldeman House case. The first is that, as found by the U.S. Supreme Court in *Village of Euclid v. Ambler Realty Co.* [272 U.S. 365 (1926)] in 1926, actions of zoning are rooted in the police power which allow the state to regulate actions for the 'public health, safety, morals and general welfare;' and that actions extending from a zoning ordinance must be substantially related to the above concerns.³⁸

The second important point is that, within general guidelines, discretion over these actions is the responsibility of the appropriately determined representative body. These guidelines require that zoning regulations not be arbitrary or capricious,³⁹ and that they be equally applied 'in accordance with an overall program.' The appropriate representative body in Pennsylvania is the municipal government. This overall program amounts to a comprehensive planning document with clearly stated goals and objectives, and procedures for amending the land use law that are predictable and sound.

³⁷ There are few places in which the planning commission cannot be overruled by the local representatives. The courts have determined that it is the proper discretion, within limits, of the elected representation to decide on matters of land use. Further, in halting growth, local governments can simply declare a moratorium on issuing building permits for a period of 'X'.

³⁸ "Zoning regulation are valid restriction upon the use of private property only to the extent that they bear a reasonable relation to the police power, i.e. the preservation of the public health, safety, morals, or general welfare." Ibid., p.373. Citing *Rubin v. Zoning Bd. of Adjustment*, 5 Bucks 207, 1956.

³⁹ "Control of improvement of property does not extend to arbitrary, unnecessary or unreasonable intermeddling." Ibid. Citing *Toland v. Newtown Tp.*, 35 Del. 21, 1948.

The third and final opening point, most important to his paper, is that the place of historic preservation within this power to control land use is not well defined.⁴⁰ The final sentence of the zoning purposes paragraph above states that “[z]oning ordinance shall be made...with consideration for the character of the municipality and the suitability of the various parts for particular uses and structures.”⁴¹ One interpretation of this would place historic preservation actions firmly within this clause as being enacted in ‘consideration for the character of the municipality.’ Another would read this less broadly, meaning, simply, that there will be differing districts within a municipality, the ‘character’ referring to residential, commercial, or industrial uses and resultant districts. Complicating interpretation for historic preservation purposes are the holdings in *Notes of Decisions* following the statement of purpose. “Zoning ordinances, being in derogation of the common law, must be strictly construed.”⁴²

While this would prove an interesting investigation, it would, for this case, be largely moot. The place of this project in the framework of land use regulation is minuscule. The proposed change to the zoning ordinance is a minor one, and does not

⁴⁰ In marked contract to the statement just made, the United States Supreme Court stated in 1978 that “[t]he restrictions imposed [which disallowed the Penn Central Transportation Corporation construction of a tall building immediately atop the landmark Grand Central Terminal] are substantially related to the promotion of the welfare...” 438 U.S. 104 (1978) This ‘substantial relation’ was sufficient for the Supreme Court to interpret this historic preservation regulation as rooted in the police power of the sovereign, safely placing historic preservation on par with other forms of land use control. Sensing this parity, many local governments have enacted ordinances which are increasingly coming under attack as actions amounting to taking, subject to ‘just compensation’ under the fifth amendment of the federal constitution, as applied to the states through the fourteenth amendment.

⁴¹ Ibid.

⁴² Ibid., p.371. Citing *Wolfe v. Zoning Bd. of Adjustment*, 14 Chest. 296, 1966.

draw from any particularly suspect areas of the law.⁴³ This and other locally specific laws will be examined in the following section.

Pennsbury Township and Land Use Regulation

As outlined above, Pennsbury Township is the governmental unit that directs use of land, therefore, it also directs the use of the Haldeman House property and those immediately surrounding. Knowledge of the series of applicable regulations and statements of policy will allow insight into the proclivities and desires of the local population. What are the priorities of Pennsbury Township residents? Where does this township lie on the continuum of predisposition to growth?

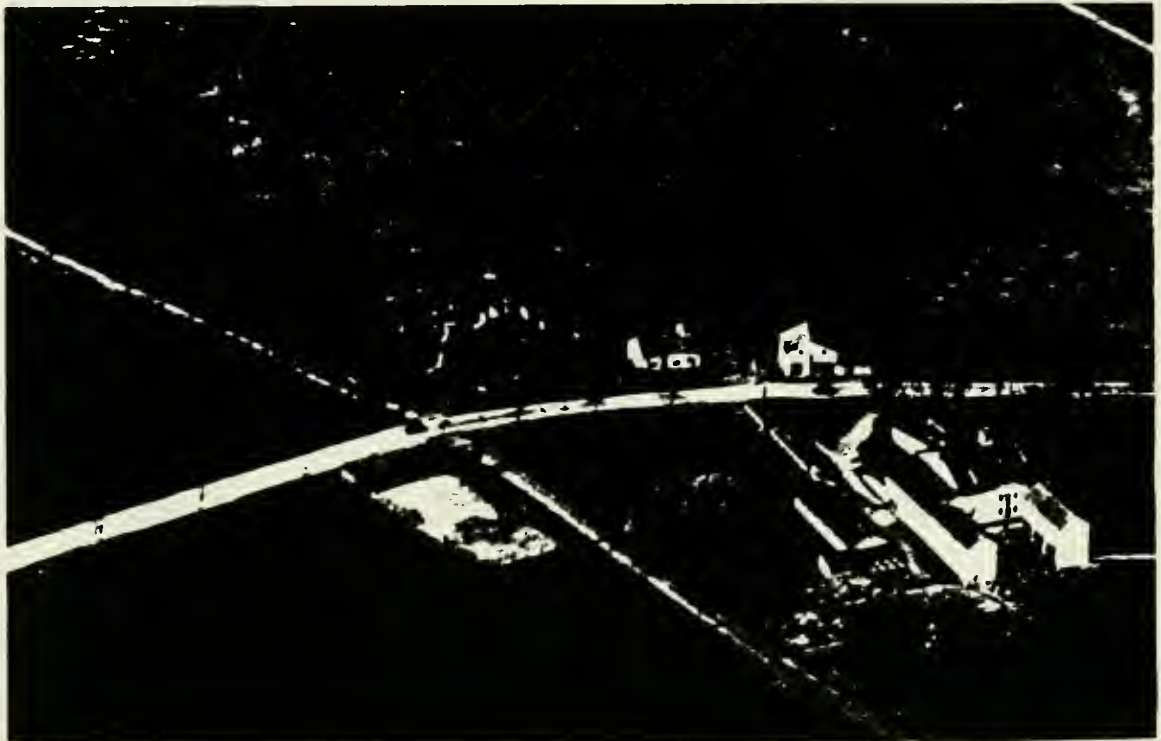


Figure 9. Aerial photograph of Haldeman House taken in 1927. Original image at Haldeman House.

⁴³ The potentially suspect area from which this might draw relates to the transfer of development rights warranting a single long paragraph later in this section.

Pennsbury Township "...has undergone more new development since the late 1950's than in the entire three hundred years since European settlement began."⁴⁴

Figure 9 below shows the Haldeman House in 1927 as the densest development in the photograph, adjacent to a rural route meeting it at the same grade. It is startling to consider that a dense development at one point was a farm complex.

As is their right and responsibility, Pennsbury Township has enacted numerous ordinances intended to manage the growth of their community. The very first line, the opening statement, found in the *Community Development Objectives*, § 102 of the *Pennsbury Township Zoning Ordinance*, is as follows: "Pennsbury Township is rich in historic significance and natural resources..."⁴⁵ Immediately following this general statement are objectives for the community. Given as objectives F, G, and H are to: "Protect and preserve the historic areas of the Township...Support and encourage the preservation and continuation of agricultural activity and the 'working farm' in the Township...[and]...Recognize land as a valuable resource and allocate its uses wisely so that it may be conserved, not wasted."⁴⁶ To these ends, the Board of Supervisors has authorized and participated in studies of the open space and historic resources of the township; from these studies have come a thorough understanding of the cultural resources remaining in Pennsbury. The next steps have been to provide for the preservation of important open spaces, and, the subject of this study, historic properties.

⁴⁴ *Open Space, Recreation, and Environmental Resources Plan: Pennsbury Township, Chester County, Pennsylvania*. January 1993. Open Space Task Force Committee and Brandywine Conservancy. p.i.

⁴⁵ *Pennsbury Township, Chester County Zoning Ordinance of 1982; Last Amended October 1993*. p.2.

⁴⁶ *Ibid.*, p.3.

As mentioned in chapters I and II, there is currently an ordinance in the Pennsbury Township body of law that allows for the Haldeman House to be reused as a bed and breakfast. [All of the following language can be found, in its original context, in *appendix B*] Under *Article V, §501(B): Uses by Special Exception*, the *Pennsbury Township Zoning Ordinance* allows that “The following uses shall be permitted [in R-2 districts] as a special exception when authorized by the Zoning Hearing Board, subject to the standards of §2208 of this Ordinance: ...4. Bed and Breakfast, in accordance with the provision of §1911.”⁴⁷ This allows the Haldemans, in accordance with §2208 *The Standards for Review of Proposed Variance or Special Exception*, to convert their house to a bed and breakfast, if it is in compliance with the standards set by §1911 *Adaptive Reuse of Historic Buildings: Bed and Breakfast*. This section states:

A. Purpose - It is declared that certain buildings in Pennsbury Township are of such historic nature and character that their preservation will serve to protect the character of the Township and the value of the land and will also serve to educate present and future generations of Township residents as to the history of the Township and its peoples. It is also declared that many historic buildings located in Pennsbury Township have become obsolete in size or layout or are expensive to renovate or reuse for purposes that are otherwise allowed under existing zoning. It is the purpose of this section to encourage the preservation of historic buildings by permitting alternate uses for such historic buildings compatible with their historic character and appearance, subject to various bulk and area requirements and other restrictions as set forth in this section.⁴⁸

The preceding statement was excerpted in full as it illustrates with concision the attitude and understanding that the township governance brings to historic preservation.

⁴⁷ Ibid., pp.31-32.

⁴⁸ Ibid., p.203.

In speaking on this issue, Pennsbury Township Supervisor George Asimos, Jr. stressed the contribution that historic buildings (and open spaces) make to Pennsbury as a place unified in its appreciation of, and capacity to offer to others, an educational and aesthetic experience.⁴⁹ He noted the contribution that bed and breakfast lodging can make to opening historic homes to the public; use as lodging will allow public access to the Haldeman House probably not known since its use as Pennsbury Inn. In response to these potential benefits to the community as a whole, the Pennsbury Township Board of Supervisors acted to provide the above bed and breakfast ordinance.

There are many specific requirements that an owner seeking special exception for a bed and breakfast must meet; the Haldeman House appears to meet all of them. It is a Qualified Historic House (meaning that it appears on Map 3 “Significant Historic Sites” of the Pennsbury Township Comprehensive Plan, attached as *appendix E*); it sits on “not less than two acres”; the house will be restored “with substantial historical accuracy”⁵⁰ to the Secretary of the Interior’s Standards. Further requirements relate to the implementation of the plan, and must, therefore will, be met to gain approval.

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Not to be overlooked in gauging the predisposition of township governance is the presence of one of the most aggressive and successful local land conservation organizations in the country, located barely outside the border of Pennsbury Township. The Brandywine Conservancy has been conducting environmental and historic resource

⁴⁹ Personal Communication. Interview. 3.24.94.

⁵⁰ *Pennsbury Zoning*, p.205.

protection programs in the Brandywine Valley since the late 1960's.⁵¹ Their success has been such that, to conduct a substantial or potentially controversial development project within the area of their purview, they essentially must be consulted prior to approval. This places into the decision making arena a distinct organization with an independent and powerful constituency. This is not a factor in the governance of most townships in Pennsylvania, or across the country. In most places, the local government is the organization with the most expertise and influence concerning land use decisions, as outlined above. But in Pennsbury Township, the Brandywine Conservancy can serve as a third party in the process, and has a great depth of expertise available; a valued resource in and of itself.

Certainly an intended outcome, this skews the management of growth and change in the immediate area. It does not, however, alter in any significant way the process before this project. With the exception of accepting the easement, and, although not insignificant, just difficult to gauge, the sensitization of the Pennsbury Township government to the need for limitations on development and incentives for certain types of actions, the Brandywine Conservancy is not a player in this scenario.

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As noted in the opening comments of this chapter, the proposed ordinance amendment is, at base, a simple follow-on to the already existing ordinance allowing bed and breakfast uses in certain historic structures. There is, however, one component of this amendment that raises some interesting questions regarding the transportability of

⁵¹ Initially under the direction of Andrew L. Johnson, mentioned in Chapter 1.

potential building density. The Haldemans currently have the 'right' to two lots in the rear of their lot, totaling a loosely specified maximum capacity. The proposed amendment would permit the Haldemans to redefine these rights under certain qualifying circumstances, allowing them to sever their development rights on one geographical location, and reattach these rights to another geographical location. In essence, if not in form, this amendment is a small scale transfer of development rights (TDR). There is, of course, a fundamental difference in the form of this case and formal TDR program, in that TDR is typically not part of a voluntary system; development rights are usually offered as compensatory relief rather than incentive.

This concept has been much hailed as the magical answer to accusations of governmental taking in laws made for historic preservation and environmental purposes. The City of New York, the City of San Francisco, Denver, and numerous other large cities have enacted TDR programs to allow the owners of heavily restricted historic properties to receive an economic benefit from the right to a property that they can no longer use because of the restriction. These TDR programs have met with very limited success. The New Jersey Pine Barrens Commission, and Montgomery County, Maryland, have enacted TDR programs to manage development within their jurisdictions. These have met with more success, but have yet to be fully tested in a run-away real estate market.

This proposed ordinance before Pennsbury Township will function, on a very small scale, in a similar manner to these other programs. Here, as yet unrealized development potential will be sent from the rear lots, and received by the front lot. The purposes of other TDR programs are precisely the same: preservation of an historically significant

structure and/or valuable open space. The problems are the same: one site, the receiving site, gets a higher than otherwise permitted density while the other site, the sending site, gets the benefit of restricted development potential, possibly resulting in an unequal burden to some neighboring properties. In this instance, the development potential will be held by a private, third party with rights and responsibilities different from the future land owner and the Township, as is appropriate. In some other instances, the 'extinguished' rights are held by the municipality; there is some speculation that, as development pressures increase to a high tenor, municipally held development rights might reappear. Retention of an easement in private hands makes this a lesser possibility.

This note about TDR is not intended to break ground. It is intended to place into this discussion a comment about the progressive stance that Pennsbury Township can take with the adoption of this amendment. TDR has been formally enabled by many states for programmatic enactment. As noted, the fundamental difference between situations in the above-described TDR programs and this one is the voluntary nature of the Haldeman case easements. This instance is a quid pro quo between the Haldemans and Pennsbury Township; in TDR programs, the municipality heavily regulates an historic property, then attempts to mitigate the impact by cutting off the remaining potential, to be sent elsewhere. Much has been written about the possibilities of large scale, highly formal programs; this relatively simple example is, perhaps, a better model for the use of TDR.

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This chapter has placed in context the role of the township in regulating the use of land, and examined some of the methods that Pennsbury Township has employed to

incorporate historic structures into the growth that will be seen by the township. Just as “it is foolish to sterilize”⁵² land by enacting policies that make development so difficult as to approach impossible, it is foolish and irresponsible not to guide the development of a community in a manner appropriate to the needs and wishes of the citizens. The language of the Community Development Objectives makes clear the wishes of Pennsbury Township, as does this closing statement of the Pennsbury Township Comprehensive Plan: “In summary, residents and officials feel development should be allowed to occur throughout the Township, but in orientation and sensitivity toward existing land-use, environmental and historic features.”⁵³

The Haldeman House case is one in which the stated goals of the township match with exactitude an area of township law. The house is large, oddly configured, and unappealing by contemporary housing standards. Reuse as a bed and breakfast meets the goals of the township for the preservation of historic buildings while conforming to standards of orderly development, and can help meet the goal of the Haldemans for a reasonable return.

⁵² Interview, George Asimos, Jr.

⁵³ *Comprehensive Plan: Pennsbury Township, Chester County, Pennsylvania.* July, 1981. p.114.

Chapter V. Performance in the Marketplace

This final chapter examines the fundamental requirements of attracting investment capital to the bed and breakfast package. Rather than using this as an opportunity to examine the underlying functions of business generally (expanding into broader questions raised by the subject), a close focus is kept on potential return on investment, and on the business of running a bed and breakfast on this site. This chapter is intended to act as balancing force to the more conceptual nature of the other chapters in which many ideals have been examined.

As noted in this paper's introductory words, the writer claims no great knowledge or sophistication concerning the real estate or investment markets. However, the writer does understand the imperative nature of a sound financial base for non-subsidized projects, such as the one in question. This component of the Haldeman House project analysis seeks to ask questions that must be asked of any potential reuse project that will be presented to a market that "...views the building terms more of utility and function..." than historic significance.⁵⁴

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Why would someone choose to invest money in this business? This is the question that must be answered, both to keep a note of fiscal reality in the project, and to meet the needs of potential buyers. To answer this question, the Haldeman House project has

⁵⁴ Harris, Samuel Y. "Alternative Use as a Preservation Strategy." *Historic Preservation Forum*. Volume 7, number 5, September/October 1993. p.19.

turned to the expertise of John Taggart, whose experience in the development business and real estate market sound this note of fiscal reality.

There are two major components of analysis to be performed for a project of this type. First, the potential revenue stream and expected costs must be plotted and weighed in the form of an operating pro forma. This tool will help guide the construction budget as well as shape the marketing strategy. The second vital component is an estimate of capital costs associated with the rehabilitation, site work, any new construction, and all start-up costs. The assumption is that a large proportion of this total will be carried as debt, which must be paid down over time. This will, of course, bear on the balance of the operating pro forma; a higher debt load will shrink the cash flow and a lower debt load will increase the projected cash flow. Before reviewing these two most important components, a summary of the probable market will establish the broad outline of bed and breakfast business in the Brandywine Valley.

This first segment of analysis examines the potential demand for such a service; this may be the finest type of site-to-use match, but if no one comes, it will fail. What is the market for such a facility?

The Brandywine Valley is a noted tourist destination that attracts a specific type of tourist. The density of nationally-recognized cultural attractions is high; within fifteen to twenty minutes' drive of this location, a guest could be at the Hagley Museum, the Winterthur Museum, the Brandywine River Museum, Longwood Gardens, and a large area of hunt-related activity. Beyond this immediate area are regional tourist draws such

as Philadelphia and Lancaster County. The following excerpt seems to speak directly to the Brandywine Valley:

The modern concept of a bed and breakfast is most commonly found in historical rural villages, scenic or recreational destinations and transportation routes, or resorts that cater to travelers, tourists, and 'special event' visitors.⁵⁵

Competition for lodging in the immediate area is not acute; it is not thick with hotel rooms. There are a number of established inns nearby, but the density is not high.⁵⁶ Nor are there many main-stream hotels in the area. Although this establishment will, to an extent, be in direct competition with all lodging in the immediate area, hotels such as the Best Western or Ramada Inn, both within the general geographical area, market themselves quite differently. Larger hotels trade off of familiarity, predictability, anonymity, and price.⁵⁷

In contrast to larger chains, it is the peculiarities of the bed and breakfast, an old house, knowing the owners, meeting other guests around the breakfast table, that are the attractive features, drawing guests willing to pay more for a small and intimate environment. The bed and breakfast is in a different market segment, one which costs more, but offers a qualitatively different overnight stay that will be fully consistent with the overall cultural experience of the Brandywine Valley.

⁵⁵ G. Michael Yovino-Young, "The Appraisal of Bed and Breakfast Inns." *The Real Estate Appraiser and Analyst*. Winter, 1990. p.4.

⁵⁶ As high as Cape May, New Jersey, which has a very high density of bed and breakfast lodging, but enjoys a high degree of success.

⁵⁷ "[W]ith the more prosaic motel or even the higher quality hotel,...cosmetic standardization is the accepted norm." Yovino-Young, p.9.

The Brandywine Valley is uniquely suited to sustain a much higher density of bed and breakfast lodging that is currently in place. It is, therefore, concluded that there is a market appropriate to the type of service that will be provided by this establishment.

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It is the risky business of land developers to perform the market research, study appropriate comparative businesses, and generate an operating pro forma that reflects as closely as possible the future that this business will expect to see. John Taggart comments that this single projection invites great liability; to innocently, or worse, negligently, err, on estimations of the potential for this business in this area is exposure for lawsuit at worst, or disreputation at best.⁵⁸ Of course, it is the nature of all business that no person, however experienced or educated, can identify every expense that will be incurred. The job of the developer and marketer, in this case, is to identify the typical costs associated with running this type of business as a responsible and good-faith effort to represent the interest of the seller and buyer.

The table below is the first general attempt to identify the expenses typically associated with operating a bed and breakfast. It will be revised as the project nears completion, but reflects the general proportions of costs, and covers largely the range of different expenses. The pro forma for a sixteen unit bed and breakfast reads as follows:

⁵⁸ Personal Communication. Interview. John C. Taggart, Jr. Chadds Ford, Pa. 3.22.94.

	16 Rooms (55%@\$125)
Operating Income	
Rooms	\$401,500
Specialty Foods	\$10,000
Meetings	\$10,000
Total Revenue	\$421,500
Operating Expenses	
Auto Expenses	\$2,500
Dues and Subscriptions	\$1,400
Food (3200*3.5+)	\$15,000
Grounds Maintenance	\$5,000
Insurance	\$12,000
Legal and Accounting	\$1,500
Maintenance	\$15,000
Marketing and Promotion	\$12,000
Office Supplies	\$5,000
Housekeeping Supplies	\$9,000
Telephone	\$2,500
Towels and Linens	\$6,000
Utilities	\$20,000
Wages	\$100,000
Total Operating Expense	\$206,900
Net Operating Income	\$214,600

With sixteen units and 365 days in a year, there are a total of 5,840 potential room-nights. If all rooms were rented every night of the year, and each room rented for \$125/night, the total revenue for rooms alone would be \$730,000. No lodging establishments let all their rooms every night of the year. In 1992, the average occupancy rate for bed and breakfast lodging in the northeast was 53%.⁵⁹ John Taggart feels that the density of proximate attractions and long tourist season (early April to late October) of the Brandywine Valley will increase the occupancy rate by at least 2% per annum, bringing the occupancy rate to 55%, and occupied room-night figure to 3212. It is from these estimations, 3212 room-nights, charged at \$125 per night, that the base revenue figure of \$401,500 is derived.

⁵⁹ 1992 *Bed and Breakfast/Country Inn Industry Study of Operations, Marketing & Finances; Northeast Area*. Professional Association of Innkeepers International. Santa Barbara, California.

While these are obviously estimations, the basis is now in place for continued analysis of the economic feasibility of this business. The next step is to examine the probable costs associated with the capital improvements to the site itself, and any start-up costs, such as the initial purchase of linens and food.

Capital costs include the hard costs of construction, bricks and mortar, and the soft costs of legal fees, architects fees, insurance, and others. The following brief discussion relies on a rough cost estimation made for the purposes of discussion.⁶⁰

Using the base sale number of one million dollars for the property, and a range of potential square foot costs for the new construction and renovation, capital cost estimates range from just above \$1.9 million dollars to approximately \$2.5 million. The numbers break down as follows:

	Low	Middle	High
Property	\$1,000,000	\$1,000,000	\$1,000,000
New Construction (5,400 ft ²)	\$378,000 (@\$70 ft ²)	\$486,000 (@\$90 ft ²)	\$594,000 (@\$110 ft ²)
Renovation (5,600 ft ²)	\$336,000 (@\$60 ft ²)	\$448,000 (@\$80 ft ²)	\$560,000 (@\$100 ft ²)
Pave, Septic, Landscape	\$75,000	\$87,500	\$100,000
SubTotal	\$1,789,000	\$2,021,500	\$2,254,000
+8%	\$143,120	\$161,720	\$180,320
Rough Estimated Total	\$1,932,120	\$2,183,220	\$2,434,320

⁶⁰ These numbers come from the estimations of J. Paul Haldeman, John Taggart, John Milner, and this writer. Again, they are very rough, and included to aid and frame the discussion, not to serve as an accurate projection of the actual cost.

While of course this is a rough estimation, this does give some sense as to the magnitude of the project. The estimate of \$60 ft² on renovation for an older building that must meet code and command \$125 per night is quite low, so other, higher, figures have been supplied to round this out. Further, the assumption is that the costs of new construction would rise less steeply than the costs of renovation, so the highest cost estimate of the new construction are \$95 ft² where the estimated highest cost of the renovation is 125 ft².

A reasonable scenario for determining the debt load and service for this case would be an equity offering of 20%, or, using the \$2.5 million figure, \$500,000. With outstanding debt of \$2 million, an interest rate of 8.25% over 30 years brings the yearly debt service to roughly \$180,000. When this requirement is plugged into the preliminary operating pro forma above, the revised net operating income becomes approximately \$35,000. This \$35,000 figure represents approximately 7% return on the initial equity investment of \$500,000.

While this is not the result of an intensive and professionally conducted analysis, the fundamental questions have been asked, and a preliminary answer supplied. Many aspects of the development campaign and business operation have yet to be accounted for, but many have been included. At this point, this very general estimation of capital requirements weighed against an operating budget, all framed in a conservative but reasonable estimation of market conditions, indicates that this project should be feasible from an economic standpoint; potential return of 7% compares favorably to other investment vehicles.

With this general estimation in hand, the project appears to be on firm footing, and should be a viable packaged product in the market. Of course, there must be a much closer accounting of the probable capital and operating costs, yet this first estimation acts as a check on the project helmsmen, ensuring that no single aspect of the project gets too expensive, and that the whole will stand in the market as a viable economic package.

There are a number of further important variables which are difficult to properly cover. The ability of a buyer to secure a loan for this will hinge on the state of the market, the lender's perception of the plan's feasibility, the ratio of equity-to-debt the buyer offers, and the structure of the sale arrangement. One of the concerns of the township's leadership is the degree of alteration to the specifics of this project; to settle this, the project has to be closely defined, and essentially locked in place. To locate a buyer willing to simply plug in capital to a pre-packaged project will take some skillful marketing. Further, it is always helpful that a buyer brings a good equity base to the transaction; it lessens risk to lenders, and increases the likelihood that the project will turn a positive cash flow in a shorter period of time.

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This chapter has sought to identify the major components of the market in which the bed and breakfast will operate. The market is an unforgiving forum, and no one is well served by promoting a project with unsound financial grounding. Through careful and professional analysis of the potential market, likely operating revenues and expenses, and probable capital costs with the ensuing debt load, efforts to package a feasible and logical project will be rewarded with a Haldeman House that is being productively use. Although

this chapter has only identified the broadest necessities of this analysis, the exercise serves as a reminder that non-subsidized historic preservation efforts that will be placed in the open market must be studied as a co-equal partner to other properties vying for capital, and an acknowledgment that professional expertise is an imperative component of such a project.

Chapter VI. Conclusion

It has been the founding thesis of this paper that historic preservation must allow for continued productive use. In support of this assertion, a case in which historic preservation and continued productive use have happily coincided has been examined in some depth.

In the first portion of this text, the circumstances of the Haldeman House case were presented. This was done to present to the reader the same fundamental understanding that faces Paul Haldeman and Andrew Johnson: *the house will be sold*. This is the starting point for all development projects and the majority of historic properties will come to this point at one time or another. With this premise given, some available alternatives were outlined. The most likely and desirable outcome under the current guidelines is that the house will be reused as a bed and breakfast, with the two rear lots to be eased in exchange for additional housing units.

Once the general framework of the project was in place, three different and distinct interests were examined. First was a review of the meaning of historic preservation. The words *historic* and *preservation* were examined individually, then as a term of art. It was concluded that historic preservation, as put forth in the opening words of the paper, must contain a forward looking perspective. Historic preservation must be the incorporation of the history of a property into its future, and must allow for the continued productive use of the property. As a function of this study, the Haldeman House project stands as an exemplary model for combining the history of an historic house with a productive use that will keep the house in the inventory of actively used properties.

Following this review of historic preservation, the responsibilities and objectives of the local unit of government were examined. Pennsbury Township, as a matter of policy, has amended its land use laws once already to promote the preservation of historic properties within its jurisdiction. There are many practical variations on this policy goal; Pennsbury Township has chosen to affect a minor revision of its zoning ordinance to allow the reuse of historic buildings as bed and breakfast lodging.

The final chapter was a rudimentary examination of the principles of marketing the Haldeman House as a package. The market for a bed and breakfast is there, the occupancy rates should be at least on par with the rest of the region and probably somewhat better, and the operation of the bed and breakfast should allow a solid, steady stream of revenue. The necessary balance comes with the capital costs and resulting debt load that will drain cash flow.

The thesis of this paper reflects a fundamental optimism concerning the possibilities of historic preservation. The case study presented above demonstrates that there are instances in which the three examined variables, historic preservation, the local government, and the market, can locate a middle ground which serves the fundamental needs of all and place the fulcrum accordingly. This is truly the best kind of preservation. At its base, this project allows the stabilization and continued maintenance of an historic house, a common basic preservation strategy; it complies with the stated development goals of the township and its policy of encouraging historic preservation; and it will be a viable product on the real estate market and feasible as a continued business entity.

Beyond these basic goals, this project will open an historic house to a degree of public visitation not enjoyed for many years, and it will keep the house in a continued productive use. The restoration of its historic use as an inn and tavern is the finishing piece.

The intent of this study for the writer has been met. To observe the process of managing this project, listen to the conversations involved in making decisions, occasionally participate in some debate, and draw from the many experts who have added value to this Haldeman House project and this writing experience has been educational, and formative. To understand the physical and historical values of a given property and balance these qualities with a sound and viable market solution is the best outcome for efforts of historic preservation. The Haldeman House project illustrates how one such effort managed to place the fulcrum, balancing preservation and use. The writer intends to use this example as measurement for other projects of similar intent.

Appendix A: Summary of Haldeman House History.

The following text is excerpted and abridged from:

The Haldeman House
Pennsbury Township, Pennsylvania
An Historic Structure Report

The report was written during the period January - May 1993 in partial fulfillment of course requirements for HsPv 601, *Documentation and Site Analysis*, Professor John Milner, Graduate Program in Historic Preservation, University of Pennsylvania. Report authors were: Brooke Wortham, Stacy Spies, Robert Saarnio, James Parkinson, and Julia Coombs.

The Haldeman House is a two-story residential structure with an attic and full cellar, located on Route 1 in Pennsbury Township, Chester County, Pennsylvania. The current owners, J. Paul and Janet Haldeman, acquired the house and surrounding acreage in 1974. When Mr. Haldeman's parents purchased the property in 1951, it had been abandoned for approximately ten years and was in a state of disrepair. Changes to the house since that date have included a 'modernization' during the 1950s, a large structural addition in the late 1960s, and a recent renovation to one of the house's two kitchens. This report is intended to assist their efforts to protect the house from harm by documenting its historic architectural fabric, and by examining significant aspects of the history of the site and the surrounding region.

* * * *

c.1684-1822: Land Grant to Crossroads

C. W. Heathcote, in his *A History of Chester County* notes that, "Many of the early settlers of Chester County came from the vicinity of Cheshire, England and naturally applied the name of their old habitation to their settlement in Pennsylvania...Two years after Penn's arrival [in 1682] surveys were being made in the township of Birmingham."¹ One of these early English Quakers for whom surveys were undertaken may have been Peter Dicks (also spelled Dix).

There exist two separate accounts of the earliest colonial ownership of the Haldeman property. The first is in narrative form in the 1881 Futhey & Cope *History of Chester County*: "Peter Dicks of the city of Chester, England, flax dresser, purchased 250 acres of land in Pennsylvania, August 16, 1684 from James Dicks, who had bought the same from William Penn in 1681. Peter, with his wife Esther, arrived about 1688 and settled in Birmingham, where he died in 1704." The other version is from the Chain of Title prepared by historian Juliette Gerhardt for the Haldeman family, which has Peter Dicks purchasing 554 acres in 1703 from William Penn's commissioners Edward Shippen, Griffith Owen, and James Logan. All transactions, as determined by Ms. Gerhardt, can be found in the attached Chain of Title.

The earliest primary source document relating to the property is the 1704 will of Peter Dicks, which contains the following: "I give and bequeath unto my son Peter Dicks 254 acres of land of the upper end of my tract joining to the land of John Hope on the

¹ C. W. Heathcote, ed., *A History of Chester County*, (Harrisburg, PA: National History Association, 1932) 69, 70.

other side of Brandywine Creek." A decade later, in 1714, the chain of title indicates the acquisition by John Hope of a parcel totaling 150 acres from Peter and Nathan Dicks, the sons of Peter, Sr.

Chester County Archives staff members have indicated that it is unlikely that the original stone section of the Haldeman House would have been built prior to 1714, during the years of Dicks family ownership. Provincial tax records prior to 1765 record rates and names only, and provide no further descriptive information about assessed properties. Hence, the first mention in the available written record of the existence of a residential structure on the site of the current Haldeman property appears in the 1749 will of John Hope. It is the conclusion of this study that the builder of this earliest stone portion of the Haldeman House was John Hope.

Hope dictated the following: "I further give unto my dear wife the new end of this my dwelling house and one half of the cellar."² A new end, in 1749. The authors of this report conclude that the brick section adjoining the stone house at its east end was likely this "new end," added to the pre-existing stone section before 1749. However, there exists no single piece of evidence which can establish this interpretation definitively. Hope further bequeathed to his son Amos Hope 318½ acres of land, and "all the remainder of this my Plantation whereon I now dwell...together with all the improvements and buildings thereon."³ It should be noted that wife Elizabeth Hope did not obtain title to the land, but received instead what was known as a "life estate" -- it was not until 1848 that women in the Commonwealth obtained the legal right of real property ownership.

An inventory conducted at the time of John Hope's death refers to "Goods in the Upper Room, a bed and furniture...furniture in the Lower Room, a clock and case...a bed and furniture in the Little Room...a bed and furniture in the Outward room...wheat and hay in the Barn."⁴ These are the only constructed spaces specifically mentioned in the inventory. The contents of this inventory appear to indicate that the Hopes were a family of considerable wealth. A subsequent 1767 provincial tax and assessment of son Amos Hope's property refers to "225 acres and dwellings, 125 acres of woodland, 3 horses, 5 cattle, and 10 sheep."

Subsequent to the death of Amos Hope in 1769, a lawsuit filed against his estate by Hannah Walker in the Court of Common Pleas (November term, 1771) set in motion a

² John Hope, *Last Will & Testament*, October 27, 1749, File #1284, Chester County Archives and records Services.

³ Ibid.

⁴ John Hope, *Inventory of the Decedent's Estate*, Appraised December 5, 1749 and filed December 7, 1749.

sequence of events that resulted in the loss of the property by the executor, Amos' wife Ann Hope, to a Sheriff's sale in 1772. Hope's inventory in 1769 had referred to "One bed in the Garrett," a "Barn," and the "remainder of a Servant Lad's time," a reference to the presence of an indentured servant in the household.⁵ The purchaser of the property in 1772 was physician Joseph Pierce, whose hand-drawn survey map of Pennsbury land holdings had been referred to in Hope's will: "A survey already made by my friend Joseph Pierce" (Appendix B, Map 4.) The property remained in the Pierce family for a period of forty-five years, until its sale in 1817 to tanner Huson Swayne.

On the afternoon of September 11, 1777, Continental troops under the direction of General George Washington engaged in battle English and Hessian soldiers commanded by British General Howe and Hessian Commander Knyphausen, in what has come to be known as the Battle of Brandywine. The following account of an early stage of the battle is excerpted from a recent narrative:

At the present crossroads of U.S. Route 1 and Hickory Hill Road, the Americans took advantage of a building on the north side, known as Pennsbury or Lancaster Inn in the 1800's [the current Haldeman House], and a stone house on the southwest corner, to again form a line and fire several volleys. However, they were driven out of position by the Queen's Rangers . . . Maxwell's [Continental] troops made another stand in the vicinity of the ridge on which the Pennsbury Township building now stands.⁶

A captain from Virginia and future Supreme Court Chief Justice, John Marshall, is reported to have been wounded in this vicinity.⁷ To the initial tactical advantage of the American troops hiding in ambush behind it, and to the disadvantage of the British advancing toward Chadds Ford past it, the original stone section of the current Haldeman House had been standing for at least thirty years at the time of the Revolution.

By 1808 a 'tan house', for the tanning of hides, had been constructed on the property. A public notice of sale appearing in 1817 in the pages of a local newspaper, the *Chester and Delaware County Federalist*, referred to "that valuable Estate, formerly owned by Dr. Joseph Pierce, deceased, situate in Pennsbury Township...The improvements are a large stone and brick Dwelling House, a large frame barn, and other

⁵ Amos Hope, *Inventory of the Decedent's Estate*, September 18, 1679. Chester County Archives and Records Services.

⁶ Nancy V. Webster et. al., original authors, and Susan W. Hauser, editor, *Brandywine Battlefield: The National Historic Landmark Revisited — A Summary of the 1989 Brandywine Battlefield National Historic Landmark Cultural Resource Management Study.* (Media, PA: Delaware County Planning Dept., 1992), 17-18.

⁷ Nancy V. Webster, *1777 Battle of Brandywine Driving Tour*, (Brandywine Battlefield Park Association, 1986).

out houses . . . A stage from Kennett Square to Philadelphia runs twice a week past the door."⁸ The November date of this property sale notice, filed by "Celia and Anna Matilda Pierce," renders uncertain the location of the Joseph Pierce property being advertised, a factor which has proven resistant to clarification. The description matches the known early-19th century characteristics of the property at Route 1 and Hickory Hill Road, but both the Gerhardt Chain of Title and Chester County Deed Book 03-62 indicate a pre-existing May 2, 1817 sale to Huson Swayne.

Swayne and his wife Susanna owned the property for five years. On July 8, 1822 it was purchased by Alexander Graham, whose will of September 9, 1822 bequeaths title to grandson James Lancaster and a life estate to daughter Lydia (Graham) Lancaster. Chester County Archives staff, having reviewed both the will and a prior lawsuit filed by Lydia's husband Joseph Lancaster (Sr.) against his father-in-law Alexander Graham, have concluded that these circumstances suggest a feud between the elder Graham and his son-in-law. Indeed, Graham appears to have gone to considerable lengths in the will to bypass Lancaster, pointedly specifying his teenage grandson as inheritor-designate of the title. Two decades later, Joseph Lancaster (Jr.) purchased the property for the sum of \$5000 from his brother James.

1822-1900: Pennsbury and Lancaster Inns

Joseph Lancaster, Sr. first appears linked to the property in 1822, seeking a permit to operate a tavern. He referred to the establishment as the Pennsbury Inn, though it would later come to be more commonly known as the Lancaster Inn. Lancaster put forth the first tavern petition to serve liquor on the premises in May of 1822, which was subsequently denied:

That your petitioner resides in that commodious two story Brick House in every respect suitable convenient and eligible: Situate for a Tavern or House of entertainment for Travelers . . . situated in the Township of Pennsbury on the Cross Roads one leading from Masshatton to Wilmington the distance of twelve miles without a house of entertainment, the other the main leading Road from Nottingham to Chester. [H]e therefore prays the Court to grant him a license for a Tavern or a House of Publick entertainment for seling [sic] Wines and Spiritous Liquers for the accommodation of Travelers and Neighbours in said House.

Joseph Lancaster

⁸ *Chester & Delaware County Federalist*, November 26, 1817 (?). "Pennsbury Township - - Land" File, Chester County Historical Society.

Lancaster was petitioning for a tavern license, even though the land apparently was not yet in family ownership. This discrepancy between the May 1822 petition date and the September 1822 property sale by Swayne to Graham remains unexplained. In 1823, a tavern application was again disallowed and Lancaster did not file another tavern petition until 1826, when he was successful. In that year, Lancaster apparently suggested that since the building had been used for the most recent township elections, it should become the regular polling place. Though the opponents of his offer were unsuccessful, their argument provides insight into Lancaster's intentions. Township petitioners against Lancaster's application felt that town business could be conducted at another location:

A good house can be had nearly as Central as that for which a License is asked; and not many perches from the place where Township Elections have long if not always been held until this Spring. Through great exertion a small majority was obtained last fall in favour of holding Township Election in the house of the petitioner. As to the price given for the property we are at a loss to see how it can be connected with the subject of his request...as he was not the purchaser nor is he supposed to have more than a temporary control over it . . .

These assertions support the interpretation that Lancaster himself did not own the land, but was merely serving as proprietor of the property at the time, and that he sought to retain the inn as a polling place.

Further evidence of the operation of a tavern on this property is found in an 1830 Map of Chester County. According to this map, symbols representing "tavern[s] and other house[s]" are shown on the site. In that year, the population in Pennsbury was 847 persons, supporting 146 licensed houses (inns or taverns). Joseph Lancaster appears to have had a significant degree of business competition.⁹ This anomalously high per capita ratio seems to indicate that taverns were not the sole income-generating activity of the owners. It is known, for example that Lancaster's family maintained a farm and tanyard during the period of their inn's operation. In April of 1842, James Lancaster, son of Joseph and Lydia Lancaster, sold the property to his brother, also named Joseph Lancaster, for \$5,000. The recital for this deed transaction mentions "all that messuage or tenement tanyard and plantation."

Lancaster tavern petitions were successful annually from 1826 until 1846. Lancaster filed no tavern petitions in 1847 and 1848, for reasons unknown. His presence on the property is noted in an 1847 map of Pennsbury Township, which locates Lancaster

⁹ John Smith Futhey and Gilbert Cope, *History of Chester County, PA*, (Philadelphia: James H. Everts, 1881), 418.

Inn at the crossroads of the Baltimore Turnpike and the Parkersville Road. In 1849, a township map also shows Joseph Lancaster residing at the crossroads location.

Joseph Lancaster, Sr., father of inn-keeper Joseph Lancaster, died in January of 1858. A newspaper account claims that he was 101 years old. He died "on the 2d instant", and was "undoubtedly the 'oldest inhabitant' in Chester county. He was the father of Joseph Lancaster, well known to the citizens of West Chester..."¹⁰ Shortly thereafter, Joseph Lancaster found himself in trouble with the law. In February of that year, the lawsuit *Com. v. Joseph Lancaster* was filed. In it, Lancaster was charged with Assault and Battery but at trial was found not guilty of assaulting an employee, Joseph Shea. The latter had allegedly been struck by Lancaster for failing to arise at an early hour for the building of a fire in the hearth - - duties which Shea vigorously disavowed in his testimony.¹¹

Although tavern petitions were not filed after 1846, Lancaster's establishment continued at least until 1873, as indicated by township maps created in 1860 and 1873. In 1860, the name 'J. Lancaster' appears at the building at the crossroads, although this could be either of Lancaster's sons, James or Joseph. The 1873 map refers to individual residents of Pennsbury Township in its key, mentioning "Jos. Lancaster, Farmer, City Boarders taken during the summer season, Chadds Ford P.O." It is possible that an aging Lancaster retained the house for boarders but did not continue the tavern activities. This would explain the absence of tavern petitions, previously noted.

An 1883 map of Pennsbury shows the lot to be as that of Joseph Lancaster. It designates a brick dwelling and two stone barns or outbuildings on the North side of Route 1 and a frame dwelling and brick dwelling on the South side of Route 1. This corresponds with the current configuration of lot improvements: the stone and brick house, the stone garage, and the ruins of a stone and wood frame carriage house to the north of Route 1 and the stone barn on the opposite side of the thoroughfare.

Joseph Lancaster died in May of that same year, 1883, and the executors of his estate sold to Nathan Lancaster two tracts (130 acres) for \$18,100. All land was acquired by Nathan "excepting and reserving therein . . . unto my two daughters Celia and Anna Matilda . . . use of the stone dwelling house at the west end of the brick house, the

¹⁰ Unidentified newspaper excerpt, "Pennsbury Township – Land" File, Chester County Historical Society.

¹¹ Unidentified newspaper excerpt, "Pennsbury Township – Land" File, Chester County Historical Society.

yard and garden enclosed lying southwest and northwest adjoining thereto..."¹² An obituary of June 2, 1883, entitled "A Glance Backward", states:

[T]he recent death of Joseph Lancaster . . . one of the most conspicuous citizens of Pennsbury township . . . For a period extending beyond fifty years (he) was the owner of a hotel in that locality. It was situated on the State road leading from Philadelphia to Port Deposit, and was one of the most important intermediate points between those two places. After leaving Philadelphia the horses were changed at the Black Horse, in Delaware county, after which the blare of the driver's horn was next heard as he approached the sign of the 'Pennsbury Inn,' reining his smoking four-in-hand before the porch of the hostelry, with a triumphant wave of his whip . . . ¹³

1900-1993

The property passed out of Lancaster family ownership by Sheriff's sale in the year 1900. During the first half of this century a succession of owners acquired title to the land and buildings. All owners, with dates of sale, acreage, and transaction amounts can be found in the Chain of Title compiled for the current owners. In 1951 the land and its improvements came into Haldeman family possession, with purchase by John H. and Lillian B. Haldeman, parents of the current owner.

The first decade of Haldeman family ownership witnessed major changes in the region. The prominence of agriculture and dairying within the economic life of the Brandywine River basin began to decline in the 1950s. The 1950 county census showed 14% of the county population engaged in farming -- by 1960 the figure was down to 9%, which represented 1,070 fewer farms countywide.

At least partially representing an out-migration from Wilmington, Delaware, the suburbanization of the Chadds Ford region was well underway by 1980. A growing residential and tourist population meant increased traffic -- a series of three road widenings during the years of Haldeman ownership have progressively affected the property. In 1951 an additional lane was added to the two-lane Baltimore Turnpike (Route 1); in the late 1950's, the road was raised and widened on both sides, becoming a four-lane state highway; the latest widening occurred in the early 1980's with the addition of a turning lane, and a further raising of the roadbed.

There have been other significant changes to the property and buildings in this century. In 1935 the road to Parkersville, which ran immediately adjacent to the property

¹² Joseph Lancaster, *Last Will & Testament*, May 26, 1883, per Juliette Gerhardt's Chain of Title.

¹³ Unidentified newspaper excerpt, "Pennsbury Township – Land" File, Chester County Historical Society.

at its western boundary, was closed to traffic. The house acquired its current configuration in 1969 with the addition of a frame wing at the east end, designed by architect Richard Chalfonte.

It is from the period of Lancaster family ownership, and deriving the requisite level of significance from its prominence in the public life of the community, that the Haldeman House/Lancaster Inn was successfully nominated to the National Register of Historic Places in 1972. Title to the property was obtained by the current owners, J. Paul Haldeman and Janet D. Haldeman on September 30, 1974.

Appendix B: Article V: Residential District (R-2). Pennsbury Township
Zoning Ordinance of 1982.

ARTICLE V
RESIDENTIAL DISTRICT (R-2)

SECTION 500 PURPOSE

In addition to the general goals listed in the statements of Purposes and Community Development Objectives, it is the purpose of this district to encourage and promote continued agricultural, open space and conservation uses in the R-2 District; while also permitting low to medium density residential development which will be consistent with existing residential development and perpetuate the rural character of the area; and also, by providing the option of utilizing the provisions in Article XVI, Planned Residential Development, and Article XVII, Lot Averaging and Cluster Development to enable landowners within the R-2 zone to elect to develop in a manner other than lot by lot which will provide a greater variety in type, design and layout of dwellings and conservation of open space ancillary to such buildings.

Accordingly, the district incorporates a density standard which, among other things, (1) provides for farm and low to medium density dwelling uses, (2) permits development on a lot by lot basis, but through the use of the cluster and planned residential development options, encourages preservation of open space ancillary to such development, and (3) facilitates the conservation of agricultural and woodland areas, surface and underground water supplies, and the control of soil erosion and surface water flooding. In the R-2 Residential District, the following regulations shall apply:

SECTION 501 USE REGULATIONS

A. Uses by Right

A building may be erected, altered or used, and a lot or premises may be used, by right, for any of the following purposes and for no other:

1. One single family dwelling.
 2. Woodlands, game preserves or other conservation purposes.
 3. Agricultural uses.
 4. The display and sale of farm products shall be permitted provided that:
 - a. At least fifty percent (50%) of such products shall have been produced on the property on which they are offered for sale.
-

- b. Parking space for at least three (3) cars shall be provided behind the highway right-of-way line.
 - c. Sale for farm products shall be conducted from a portable stand, dismantled at the end of the growing season, provided that such structure shall be located at least forty (40) feet from the right-of-way of the road.
- 5. A Planned Residential Development in accordance with Article XVI hereof.
 - 6. Open Space Design Options in accordance with the provisions of Article XVII of this Ordinance.

B. Uses by Special Exception

The following uses shall be permitted as a special exception when authorized by the Zoning Hearing Board, subject to the standards of Section 2208 of this Ordinance:

- 1. Church or similar place of worship, including rectory or parish house.
- 2. Educational, religious or philanthropic uses.
- 3. Golf course, country club, riding stable, hunt club or other outdoor recreational use or similar club or lodge, provided that:
 - a. The minimum area of property on which the use is conducted shall not be less than ten (10) acres.
 - b. Each structure shall be clearly incidental to the outdoor use.
 - c. Any club or lodge building and its services shall be for the use of members and their guests only.
 - d. No commercial activity or use such as a campground, amusement park, pitch and putt golf course and similar uses customarily carried on as businesses, shall be permitted; and
 - e. The use and design are compatible with the natural character of the area.

4. Bed and Breakfast, in accordance with the provision of Section 1911.

C. Conditional Uses

The following use shall be permitted as a conditional use when authorized by the Board of Supervisors, subject to the standards set forth herein and in Section 2108 of this Ordinance:

1. Retirement Community, with facilities to serve residents of such community and their guests only, in accordance with the following specific provisions:

- a. A retirement community shall provide a combination of individual dwelling units in any combination of single or multi-family buildings and may include a community center consisting of one or more buildings in which the following uses may be permitted.

- (1) medical treatment, nursing and convalescent facilities;
- (2) dining facilities;
- (3) auditoriums, activity rooms, craft rooms, libraries, lounges, and similar recreational facilities for members of the community;
- (4) office and retail service facilities designed and adequate to serve only the members of the community, such as, but not necessarily limited to the following uses: doctor's offices, pharmacy, gift shop, coffee shop, bank, beauty shop and barber shop.

- b. The intensity of use shall not exceed 2.5 dwelling units and equivalent dwelling units per gross acre, as defined in Section 1604.B of this Ordinance.

For purposes of this section four beds for patient, resident and/or staff person use provided within the community center or accessory buildings shall be deemed the equivalent of one dwelling unit.

- c. The minimum tract size for a retirement community shall be fifty (50) acres.

- d. A retirement community shall be developed and operated under the direction and control of a single owner or agent for the owner.

- e. Not less than forty (40) percent of the total area in the tract shall be designated as and used exclusively for common open space. Ownership, location, design and layout, and maintenance of common open space shall be in accord with the requirements of Section 1604.G2, 3, 4, and 5 of this Ordinance.
- f. There shall be a setback of one hundred (100) feet around the entire perimeter of the tract in which no structures shall be situated.
- g. Multiple accesses may be required for a retirement community, depending on the size of the community, number of vehicle trips per day and road capacity. Where a tract has frontage on more than one road, at least one access may be required by way of each road.
- h. Site planning requirements for sanitary sewage disposal, water supply, storm drainage, erosion and sedimentation control, conservation of trees and natural features, and landscaping and buffers shall comply with the standards set forth in Section 1604.F, subsections 6,7,8,9,10 and 11, respectively.

D. Accessory Uses

The following accessory uses shall be permitted, provided that they shall be incidental to any of the foregoing permitted uses:

1. Customary agricultural and residential accessory uses.
2. Swimming pool or tennis court provided that it is located behind the front facade of the house and building line and is set back at least fifty (50) feet from all property lines; and further provided that lighting facilities shall be screened to prevent glare and facilities are designed so that they shall not interfere with the use or enjoyment of any neighboring property. (Amended January 12, 1987)
3. Private, non-commercial greenhouse.
4. Accessory home occupations shall be permitted by right or by special exception, as determined by the criteria of Section 1905 and when in conformance with the applicable standards of Section 1905.
5. Accessory apartments shall be permitted by special exception when in conformance with the standards of Section 1909

SECTION 502 AREA AND BULK REGULATIONS

A. Lot Area

Every lot shall have an area of not less than two (2) acres, provided that, if the lot does not abut a road or street, the lot must be connected to a road or street by a fee simple right-of-way at least twenty-five feet (25) wide which right-of-way shall be in addition to the minimum lot area of two (2) acres or the lot must be serviced by a shared driveway as defined by the Pennshury Township Subdivision and Land Development Ordinance of 1982, as amended, provided, however, that no such driveway shall be shared by more than three (3) lots. (Amended October 14, 1987).

B. Lot Width

Each lot shall have a width not less than two hundred (200) feet at the building line.

C. Lot Coverage

Not more than fifteen percent (15%) of the area of each lot may be occupied by buildings or other impervious cover.

D. Front Yard

There shall be a front yard of not less than sixty (60) feet from the front building line to the street line or front lot line.

E. Side Yards

1. For every single-family dwelling, there shall be two side yards not less than sixty (60) feet in aggregate width, and neither of which shall be less than twenty-five (25) feet in width.
2. For every principal building other than a dwelling, there shall be two side yards neither of which shall be less than forty (40) feet in width.

F. Rear Yard

There shall be a rear yard on each lot which shall be not less than fifty (50) feet in depth, unless the lot is a reverse frontage lot, in which event the requirements of Section 1900.A2 shall apply.

G. Accessory Buildings

No accessory buildings or structures shall be situated within the front yard, nor within ten (10) feet of any side or rear property line. On lots having a lot area of one (1) acre or less, the maximum floor area for all accessory buildings on a lot shall be five hundred (500) square feet.

H. Height Restrictions

No building or structure shall exceed three (3) stories or thirty-five (35) feet in height, except that the maximum building height of an accessory building other than a farm building shall be fifteen (15) feet on lots of one (1) acre or less and twenty (20) feet on lots in excess of one (1) acre, and provided that a church steeple may extend to a height of not more than forty-five (45) feet.

SECTION 503 DESIGN STANDARDSA. Residential and Agricultural Uses by Right

1. Parking. As required by Section 1900.A of this Ordinance.
2. Access and Highway Frontage. As required by Section 1900.B of this Ordinance.

B. Recreational Uses by Right and Uses by Special Exception

1. Parking. As required by Section 1900.A of this Ordinance.
2. Access and Highway Frontage. As required by Section 1900.B of this Ordinance.
3. Interior Circulation and Emergency Access. As required by Section 1900.C of this Ordinance.
4. Loading and Unloading. As required by Section 1900.D of this Ordinance.
5. Landscaping and Screening. As required by Section 1900.E of this Ordinance.
6. Storage. As required by Section 1900.F of this Ordinance.

7. Lighting. As required by Section 1900.G of this Ordinance.

C. Conditional Uses

In granting or denying a conditional use or establishing conditions on such grants, the standards set forth in Section 2108, where relevant, shall be applied. The burden of establishing compliance with such standards shall be upon the applicant. In addition, the following specific design standards shall be applicable:

1. Parking. As required by Section 1900.A of this Ordinance.
2. Access and Highway Frontage. As required by Section 1900.B of this Ordinance.
3. Interior Circulation and Emergency Access. As required by Section 1900.C of this Ordinance.
4. Loading and Unloading. As required by Section 1900.D of this Ordinance.
5. Landscaping and Screening. As required by Section 1900.E of this Ordinance.
6. Storage. As required by Section 1900.F of this Ordinance.
7. Lighting. As required by Section 1900.G of this Ordinance.

Appendix C: Article XIX: General Regulations. Pennsbury Township Zoning Ordinance of 1982.

- D. The screening and landscaping requirements of Section 1900.E of this Ordinance shall be met. Outdoor play areas shall be sufficiently screened so as to protect residential areas from inappropriate noise and disturbance.
- E. Prior to the issuing of a permit by the Code Enforcement Officer, the applicant must receive and hold all pertinent approvals and/or licenses from appropriate State or County agencies as a condition of permit approval and continuation.
- F. When used in combination with another nonresidential use, a permit is required for each use.
- G. Parking: No less than one (1) off-street parking space for each employee, plus two (2) parking spaces for each ten (10) children. Parking shall be adequately screened when situated within fifty (50) feet of land zoned for or in residential use.
- H. Safe off-street unloading passenger space and adequate stacking capacity shall be provided to prevent interference with traffic flow on any adjacent street or road. One (1) passenger unloading space per twenty (20) children shall be provided; A minimum of one (1) unloading space shall be provided in all cases. The unloading spaces shall be nine (9) feet wide by nineteen (19) feet long.
- I. An existing residential building may be used and occupied as a single family residence for the owner or an employee of the owner of the Day Care Center. Such building shall not include space for child care areas and shall meet the area and bulk regulations of the R-3 Residential district.

SECTION 1911 ADAPTIVE REUSE OF HISTORIC BUILDINGS: BED AND BREAKFAST

- A. Purpose - It is declared that certain buildings in Pennsbury Township are of such historic nature and character that their preservation will serve to protect the character of the Township and the value of the land and will also serve to educate present and future generations of Township residents as to the history of the Township and its peoples. It is also declared that many historic buildings located in Pennsbury Township have become obsolete in size or layout or are expensive to renovate or reuse for uses that are otherwise allowed under existing zoning. It is the purpose of this section to encourage the preservation of historic buildings by permitting alternate uses for such historic buildings compatible with their historic character and appearance, subject to various bulk and area requirements and other restrictions as set forth in this section.

B. Definitions

1. "Bed and Breakfast Lodging" shall mean a lodging house meeting the requirements and conditions of Section 1911.D and E.
2. "Historic Sites Survey" shall mean Map 3 "Significant Historic Sites" and Table 1 "Significant Historic Sites within Pennsbury Township" of the Pennsbury Township Comprehensive Plan, last updated 1981, and any amendments thereto.
3. "Qualified Historic Building" shall mean a building which is identified on the Historic Sites Survey as defined in Section 1911.B.2 above.

C. Bed and Breakfast Lodging as a Special Exception - A Qualified Historic Building may, subject to compliance with the requirements and conditions of this Section, be used for Bed and Breakfast Lodging by special exception, regardless of uses which would otherwise be permitted for such Building in the Zoning District in which the Building is located.

D. Special Exception Requirements

The use of a Qualified Historic Building for Bed and Breakfast Lodging shall be permitted only upon the granting of a Special Exception under the provisions of Section 2208 of this Ordinance and satisfaction of the following requirements:

1. The parcel of land on which the Qualified Historic Building is situated shall not be less than two (2) acres.
2. The external appearance of the Qualified Historic Building shall be (or have been) maintained, renovated or restored, and shall thereafter be maintained, in accordance with Section 1911.E of this Ordinance.
3. One (1) off-street parking space shall be provided for each guest room, plus one (1) space for each employee and two (2) spaces for the owner of the Qualified Historic Building.
4. Off-street parking spaces must be screened from visibility from any public street and adjacent properties by fencing or natural vegetation. Parking shall be located so as not to detract from the historic appearance of the Qualified Historic Building.
5. A single, non-illuminated sign of not more than two (2) square feet in area shall be allowed on the premises. There shall be no use of windows for display or advertising.

visible from off of the premises.

6. The owner or owners must reside in the Qualified Historic Building as a principal residence unless the Building is located in a Highway Commercial District, Village Commercial District, or Multi-Use District. The Qualified Historic Building, regardless of zoning district, must be occupied by a manager at all times when the Building is being used by guests.
7. There shall be no cooking facilities in any guest room.
8. Food service to guests on the premises shall be limited to breakfast and afternoon tea only.
9. There shall be no food service on the premises open to persons other than overnight guests unless otherwise permitted in the zoning district in which the premises is located.
10. The maximum uninterrupted length of stay shall be fourteen (14) days.
11. The use of any amenities provided by the Bed and Breakfast Lodging, such as a swimming pool or tennis court, shall be restricted to use by the lodging guests and limited to the hours between 9:00 a.m. and 9:00 p.m.
12. Compliance with Chester County Health Department regulations shall be demonstrated or shall be a condition to issuance of a Use and Occupancy Permit, at the discretion of the Board of Supervisors.
13. The Qualified Historic Building shall have vehicular access by driveway directly onto a Principal Arterial, Minor Arterial, Major Collector, or Minor Collector street.
14. The Bed and Breakfast Lodging shall have no more than eight (8) guest rooms.

E. External Appearance

1. A Qualified Historic Building, in order to qualify for a Special Exception hereunder and to continue such use, shall be (or have been) maintained, renovated, expanded, and restored with substantial historical accuracy in accordance with the standards recommended in the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, as the same may be amended and in effect at the time the Special Exception is granted. Testimony as to the compliance with the foregoing must be

presented on behalf of the applicant by an architect or architectural historian competent to testify in the matters presented.

2. Exception to the foregoing may be made, if approved by the Board of Supervisors at their discretion, for the safety of occupants of the Qualified Historic Building. Plans for such renovation or restoration, if to be made after granting of the Special Exception, shall be submitted and approved with the Special Exception application.
- F. Annual Inspection - The Bed and Breakfast Lodging use permitted herein as a Special Exception shall be subject to the payment of an annual fee as established in the Pennsbury Township Fee Schedule, payable on each anniversary of the Special Exception approval, to defray the cost of inspection of the premises by the Code Enforcement Officer to determine continued compliance with the conditions imposed in this Section, any Special Exception decision or approval and any other relevant ordinances of the Township.
- G. Historic Sites Survey
1. The Historic Sites Survey, as defined in Section 1911.B.2, is hereby adopted for the purposes set forth in this Section.
 2. Any owner of a Building not included on the Historic Sites Survey and, thus, not eligible for the benefits conferred by this Section, may appeal to the Zoning Hearing Board requesting inclusion of such Building on the Historic Sites Survey. The Zoning Hearing Board shall, after a hearing and presentation of testimony by interested parties, amend the Historic Sites Survey to include such Building, if the following conditions are satisfied in the judgement of the Zoning Hearing Board, taking into account all testimony presented:
 - a. The Building becomes listed in the National Register of Historic Places and proof thereof is presented to the Board, or
 - b. The following conditions are met:
 - 1) The Building is at least one hundred (100) years old,
 - 2) The Building retains substantially all of its original exterior architectural features, and
 - 3) The Building meets substantially all of the criteria of historic affiliation, architecture, integrity, use and location.

characterize a majority of the Buildings identified on the Historic Sites Survey; and

- 4) Testimony as to the foregoing facts shall be presented on behalf of the applicant by an architect or architectural historian competent to testify in the matters presented.

SECTION 1912. KEEPING OF HORSES

The following provisions shall apply to the keeping of horses in Pennsbury Township.

- A. Minimum Acreage - A minimum lot size of three (3) acres shall be required for the keeping of one (1) horse. One (1) additional acre of fenced pasture shall be required for each additional horse on the property.
- B. Setbacks - Stables or shelters shall be located at least one hundred (100) feet from any property line. Uncovered manure storage shall be located at least one hundred (100) feet from any lot line or stream. No manure may be stored within a swale or drainage way, nor located so as to drain onto adjacent land.

SECTION 1913. KENNELS

The keeping of more than five (5) dogs that are more than (6) months old for breeding, training, selling, or boarding for a fee is permitted, provided the following conditions are met:

- A. Minimum lot size shall be ten (10) acres.
- B. No animal shelter shall be located closer than three hundred (300) feet to any residential building other than the owner's.
- C. The total number of dogs on the property shall not exceed five (5) dogs per acre, excluding dogs under six (6) months old.

Appendix D: Ordinance Amendment as Proposed (3.94).

ORDINANCE NO.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF PENNSBURY TOWNSHIP TO PROVIDE FOR THE PRESERVATION AND ADAPTIVE USE OF HISTORICAL BUILDINGS LOCATED IN RESIDENTIAL ZONING DISTRICTS AS "BED AND BREAKFAST" LODGING, BY PERMITTING ADDITIONAL GUEST ROOMS ON PROPERTIES OF ADEQUATE SIZE AND RESTRICTING OTHER ALLOWABLE RESIDENTIAL DEVELOPMENT IN CONNECTION THEREWITH

The Board of Supervisors of Pennsbury Township hereby enacts the following ordinance to be inserted in Article XIX of the Zoning Ordinance of Pennsbury Township.

Section 1911-D Subsection 5 is hereby amended to read as follows:

5. A single non-illuminated sign of not more than (2) two square feet in area shall be allowed on the premises of those Qualified Historic Buildings which have vehicular access by driveway unto a Minor Arterial, Major Collector, or Minor Collector street. A single non-illuminated sign of not more than (10) ten square feet in area shall be allowed on the premises of those Qualified Historic Buildings which have vehicular access by driveway unto a Major Arterial Highway. There shall be no use of any advertising or display, other than the allowable sign, visible from off the premises.

Section 1911-D Subsection 14 is hereby amended to read as follows:

14. The Bed and Breakfast Lodging shall have no more than eight (8) guest rooms, providing however, that additional guest rooms may be permitted under the following circumstances:

a. The property for the proposed bed and breakfast contains in excess of four (4) acres, and there are existing, unused, approved, subdivided lots on the premises, or the zoning regulations in effect at the time of application for special exception permit the creation of additional dwelling units on the property. Evidence of the ability to create additional dwelling units upon the property by compliance with applicable zoning and subdivision requirements of Pennsbury Township shall be demonstrated by the applicant to the satisfaction of the Zoning Hearing Board.

b. The applicant shall submit a deed restriction - conservation easement satisfactory in form and substance to the

Township Solicitor. Such restriction or easement shall prohibit the creation of any dwelling unit on existing or potential building lots as noted in subsection (a) above. The applicant shall be permitted four (4) additional guest units for the Bed and Breakfast Facility for each dwelling unit/lot that is placed under conservation easement or deed restriction. Said deed restriction or conservation easement shall restrict the creation of such additional dwelling units/lots for so long as the additional guest rooms are in existence and operating as part of the Bed and Breakfast facility.

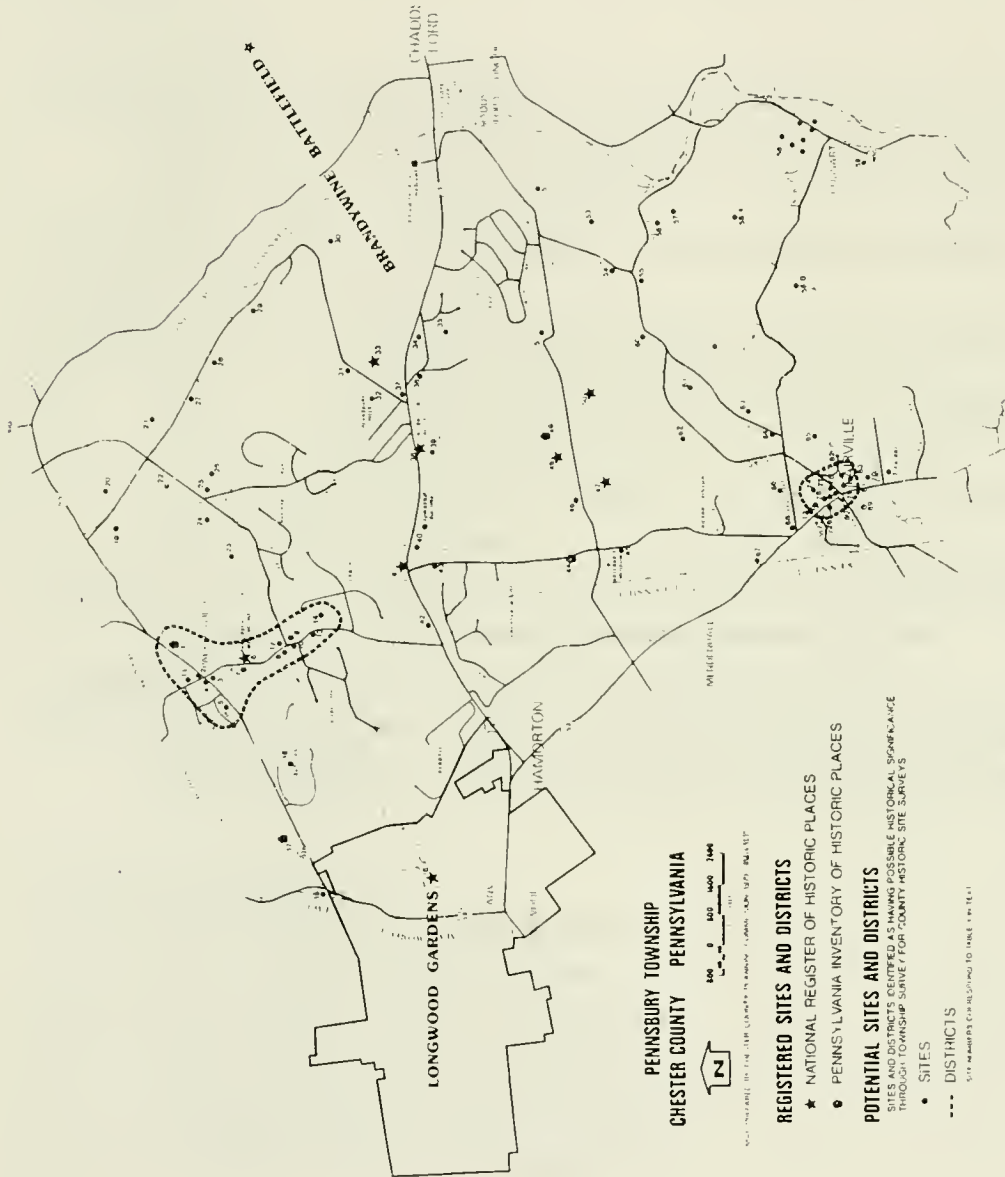
c. No more than sixteen (16) guest rooms shall be permitted on any property.

d. The provisions hereof, allowing guest rooms in addition to eight (8) shall be applicable only if the Qualified Historic Building shall have vehicular access by driveway directly onto a Principal Arterial or Minor Arterial Highway.

e. When the provisions of circumstances (a), (b), (c), and (d) above are met, additional guest rooms and the owner's /owners' residence may be located in a building/buildings in existence or to be created providing, however, that the architecture of such accessory buildings shall be compatible with and in keeping with the appearance of the Qualified Historic Building with all exterior materials being compatible with materials utilized in the Qualified Historic Building. Architectural renderings or elevations shall be submitted to the satisfaction of the Zoning Hearing Board that the provisions of this paragraph will be complied with.

Appendix E: Map 3: Significant Historic Sites. Chester County Planning
Commission and Pennsbury Township Historical Commission.

MAP 3 SIGNIFICANT HISTORIC SITES



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It must be stated that a large proportion of the text of this paper has come from the personal perspective and observations of the writer. This fact has made bibliographic citation difficult, as many of the ideas presented result from the assimilation of scattered and often totally unrelated sources. Therefore, to maintain brevity, included below are materials directly cited in this paper and those of direct bearing on this thesis. To cite the full range of influence would be to list all readings done and lectures attended for the past two years.

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